
NEWS & NOTES

New Report Recommends Regional PPP Units: A new American Enterprise Institute report by Carter Casady and Rick Geddes recommends the creation of seven regional PPP units in the United States (based on economic megaregions) to help facilitate the continued growth of private investment in U.S. public infrastructure. Similar to PPP centers of excellence used in various parts of the world, the proposed regional PPP units would be quasi-governmental entities that help government partners advance PPPs through offering specialized services including pre-project screening, project prioritization, education, and advisory services. The authors suggest that such units would generate a range of benefits, including "lowering the costs of completing PPPs, and the wrapping and marketing of similar projects across state lines." The full report is [available here](#).

Cali Launches PPP for Public Safety LTE Network: California issued an RFI earlier this month seeking proposals to design, build, and operate a statewide public safety long-term evolution (LTE) radio-access network. The purpose is to see if a viable PPP arrangement can be provided as an alternative to "opt-out" of the nationwide First Responder Network Authority's (FirstNet's) arrangement, in which the authority would use its own contractor to construct such a network for the same purpose. If the state feels such an alternative better suits its operations, the contacting parties would be required to maintain a network in California that would allow for seamless integration with FirstNet, which is under the authority of the federal National Telecommunications and Information Administration.

MBTA Officials Award Cash-Counting Contract: In October, the Massachusetts Bay Transportation Authority's fiscal control board awarded Virginia-based Brink's a five-year, \$18.7 million contract to take over cash-counting operations. The move is expected to save \$8.6 million in its first year alone, according to the *Boston Globe*. The agency was recently cited as being costly and inefficient; a recent consultant report found that half as many private sector workers could complete a significantly greater amount of work at a higher level of quality than in-house operation, the *Globe* recently reported.

Federal Bureau of Prisons Renews Prison Contracts: As reported in the August edition of this newsletter, the U.S. Department of Justice (DOJ) announced that month that it would start phasing out its use of private prisons within the Federal Bureau of Prisons (BOP), yet BOP has since renewed two private prison contracts. At the end of September, private prison operator The GEO Group, Inc. announced an extension of its contract with the BOP for its D. Ray James

Correctional Facility, effective until September 30, 2018. The move comes alongside a legal challenge by GEO to the recent decision to phase out the use of contract prisons in the BOP, saying the DOJ acted "illogically," according to the *Houston Chronicle*. Separately, in November the BOP announced the renewal of its contract with CoreCivic (formerly Corrections Corporation of America) to operate the McRae Correctional Facility in Georgia. The BOP will make monthly payments to CoreCivic for 1,633 beds, down from the 1,780 provided by the previous contract, according to *The Tennessean*.

PPP Sought for US/Canada Border Crossing: Earlier this month, the Windsor-Detroit Bridge Authority issued an RFP asking three consortia—Bridging North America, Legacy Link Partners, and CanAm Gateway Partners—to bid for the task of designing, building, and maintaining the proposed Gordie Howe International Bridge, which would connect Detroit, Michigan in the U.S. to Windsor, Ontario in Canada. The estimated \$2.1 billion bridge project would replace the existing Ambassador Bridge, which is currently utilized by 2.5 million large cargo trucks a year, around 30% of all such crossings between the two countries, according to *Global Construction Review*. "The Gordie Howe International Bridge is one of the most significant infrastructure projects in North America because of its vital role in maintaining and growing Canada's most important trade relationship and closest partnership," Amarjeet Sohi, Canada's minister of infrastructure and communities, said of the plan.

North Carolina Advancing Toward Medicaid Managed Care: Community Care of North Carolina (CCNC), the nonprofit that manages health care for 1.6 million Medicaid patients in the state, released a report last month showing continued savings in costs (from \$597 per patient per month in 2010 to \$543 in 2015), as well as in hospital emergency room visits, admissions and readmissions. In the \$110 million contract, the nonprofit serves as an umbrella group that oversees 14 different community-based networks, with a presence in all 100 North Carolina counties, ultimately serving 84% of the state's 1.9 million Medicaid patients, according to the *Charlotte News-Observer*.

As the current Medicaid arrangement continues to tout savings, the state awaits response from the federal government over its more comprehensive privatization proposal, which would change statewide Medicaid delivery from the "fee-for-service" model under which it currently operates to a flat rate per-patient, managed-care model with up to three private providers, as well as up to 10 separate contracts with regional networks of providers, dubbed "provider-led entities." Although the privatization model would end the current contract with

CNCC, the nonprofit plans to participate in the bidding process, according to the *News-Observer*.

Kansas Seeks Private Operator for State Psychiatric Hospital: Earlier this month, the Kansas Department of Administration issued an RFP seeking a private contractor to operate the state's Osawatomie State Hospital, one of two state facilities that provide mental health services for Kansans. The proposal would allow for a contractor to transfer up to about half of Osawatomie's 206 beds to other areas in Eastern Kansas. The RFP calls for a five-year contract, which could be extended for three years. Due to Senate Bill 449, which Gov. Sam Brownback signed in May, any proposal to operate the hospital would ultimately require legislative approval before a contract could be executed, according to KCUR 89.3 News.

Wayne County, Michigan Jail Health Care Contract Approved: On October 20, Wayne County commissioners voted 10-5 to approve a three-year, \$52 million contract with Correct Care Solutions to provide health care services for 2,000 of the county's inmates, according to *The Detroit News*. County Executive Warren Evans sees the move as an opportunity to improve services for inmates, not cut costs. Concerns over the quality of healthcare for inmates in Wayne County jails date back to the 1970s, when the jails were first placed under a court-ordered consent decree to fix persistent health problems, which include poor ventilation, lack of care for chronic conditions, and inadequate bathroom facilities, according to the *Detroit Free Press*.

Illinois Announces Emissions Testing Contract: In late October, the Illinois Department of Environmental Protection announced changes to the state's vehicle emissions testing program, including a new contract that officials expect to save the state \$11 million per year, and \$100 million over the contract term, according IEPA Director Alec Messina. Most of those savings would be achieved by streamlining testing to a single process, eliminating a second process that applied to very few vehicles, and did little to affect air quality, according to IEPA officials. The IEPA also expects quicker testing from the new contract, saving Illinois residents time.

PERC Releases California Wildfires Study: The Property and Environment Research Center (PERC) recently released a policy study focusing on providing economic perspective to policies governing wildfire management. From a theoretical standpoint, fire suppression efforts should be applied so long as an additional dollar spent on fire protection avoids more than a dollar's worth of additional fire damage. In reality, many issues confound such an analysis, such as the formation of the fires themselves and incentives issues involving landowners

and agencies. These issues plague many prospects and proposals for better management, but do note that some more-promising proposals exist: a combination of budgeting at a flat baseline and allowing agencies to bank remaining funds for future use could improve incentive issues, as could placing tighter controls over developed areas located adjacent to wilderness areas. The full report is [here](#).

Audit of DC School Lunches Contract Released: An [audit](#) conducted by District of Columbia Auditor Kathy Patterson found that the 2008 decision to outsource food services at D.C. public schools neither saved money nor improved meals. Patterson recommends food services go back to in-house management by the school system. Carla Watson, Interim Chief Operating Officer of D.C. schools (DCPS), says that taking over food services is not something that they have planned currently, and she disagrees with the auditor's recommendation to transition back to in-house operations, citing a fruitful relationship with contractors being monitored by DCPS staff. The response also noted while DCPS "carefully considered implementing a self-operated food service operation," there are "many immediate risks that inform our decision" to not go back to an in-house arrangement, such as absorbing legacy workers and renegotiating contracts, [WTOP reported](#). The response also noted that the new food service contracts were only approved this July, were not in effect during the timespan covered by the report, had only been in effect for a few weeks when the late-September DCPS response was written, and that they will likely achieve cost savings using operational methods the previous arrangements did not.

USF Student Housing PPP Approved by Florida Board of Governors : On November 1st, the Florida Board of Governors approved the University of South Florida's (USF's) plans to enter into a PPP agreement to build a new mixed-use student housing development. Capstone-Harrison Street, LLC—a partnership of Capstone Development Partners, LLC and Harrison Real Estate Capital—will finance, build and operate the new development. The project, which is expected to be completed in June 2018 and will result in a net gain of over 1,100 beds after the demolition of existing student housing that dates back to the 1950s, will also include dining and retail, as well as health and fitness facilities, according to the [Tampa Bay Business Journal](#).

East Baton Rouge Parish Nearing Prison Health Care Contract: The parish looks to speed up plans to privatize prison health care for inmates in its prisons after lawsuits and the resignation of one of its staff physicians. While a vote for a one-year, \$5.3 million contract for CorrectCare to provide those services was scheduled for November 9th, staff concerns have pushed the vote back to the 22nd, [The Advocate reported](#). Overcrowding and a lack of mental health services

for inmates have been big concerns since the state closed a nearby mental health facility—7the Earl K. Long Hospital—in 2013, according to the *Greater Baton Rouge Business Report*.

[Jackson, MS Looks to PPP to Improve Parking Operations: WDAM 7 News](#) reports that the Jackson City Council continues to debate whether or not to outsource the operation of the city's parking meters to Hudson Associates. Many of the city's roughly 1,000 meters do not work properly, hurting revenue for the city, and, as part of the deal, Hudson would replace broken meters with ones that allow for credit card payment. The deal would also include an up-front payment to the city by Hudson for the opportunity to collect fares as revenue. Critics of the move say that increased enforcement of parking violations would improve revenues without the need to privatize. Separately, the city plans to increase hourly parking rates—from \$.50 to \$1.00 or more, according to WDAM.

[Tazewell, Virginia Looks to Outsource Landfill Operations](#): The Board of Supervisors in Tazewell County is exploring the potential outsourcing of landfill operations to a private company, while retaining ownership of the landfill itself. The county received an unsolicited bid for such a proposal from Santek in February, leading to an RFP that generated two responses, with Santek delivering the favored proposal, according to the *Bluefield Daily Telegraph*. After making a further assessment of cost considerations compared to the current in-house arrangement in the county, the Board of Supervisors will make a decision on whether to approve the Santek's proposal.

[Killeen, Texas Seeking Solid Waste Outsourcing](#): On November 1st, Killeen's city council agreed to draft an RFP to outsource the city's solid waste pickup. An outside consultant will draft the RFP, which will allow companies to bid on a contract or enter in a franchise agreement with the city. Since the city's mowing program is currently funded as a part of its solid waste management program, mowing would need to be moved under the city's general fund or be outsourced separately, according to the *Killeen Daily Herald*.

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QUOTABLE QUOTES

"If ever a public enterprise were ripe for privatization, its [Montgomery County, Maryland's liquor monopoly]; the ineptitude of the county's Department of Liquor

Control, an 80-year-old remnant of post-Prohibition days, is notorious."

—"Montgomery County's unbreakable liquor monopoly" (editorial), *Washington Post*, November 20, 2016.

"Using actuarial sleight of hand to deny hard realities is a recipe for disaster. In the end, it's no better than trying to recoup gambling losses by doubling down on the next bet."

—Ed Bartholomew, "Public Pensions: Don't Look Now, But..." *Milken Institute Review*, November 1, 2016.

"Any claim that a specific policy will foster growth or decline should be treated with a great deal of caution. [...] Confident predictions that economic growth is attainable if city leaders would just get with the program are seriously oversold."

UVA law professor Richard Schragger, quoted in Alan Ehrenhalt, "The Reality of Mayors' Economic Promises," *Governing*, November 2016 edition.

"There is some justice, I suppose, in the [Pennsylvania] Legislature sending Gov. Tom Wolf a bill that finally allows beer distributors to sell six-packs. It's now that much easier for the rest of us to drink away our sorrows over the Legislature's abject failure (again) to clean up their own mess and pass a bill fixing Pennsylvania's financially disastrous public employee pension system."

—John L. Micek, "The sound of a pension can being kicked ... again ... rings hollow," *The Patriot-News*, October 27, 2016.

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Additional Resources:

- [Reason Foundation privatization research archive](#)
- [Annual Privatization Report 2016 homepage](#)
- [Innovators in Action homepage](#)
- [Privatization & Government Reform Newsletter archive](#)

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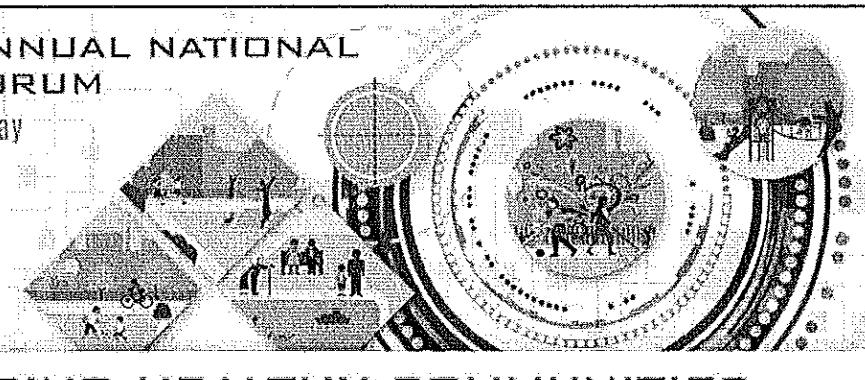
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**CADCA's 27th ANNUAL NATIONAL
LEADERSHIP FORUM**
& SAMHSA's 13th Prevention Day

February 6-9, 2017

Gaylord National Hotel
& Convention Center
National Harbor, MD



ENGINEERING HEALTHY COMMUNITIES



Early-Bird Registration Deadline Approaches — Don't Miss Out on the Savings!

CADCA's Forum will be held Feb. 6-9, 2017, at the Gaylord National Hotel in the Washington, D.C., area. Join an estimated 3,000 community-based substance abuse prevention leaders at the premier four-day training event, focused on "Engineering Healthy Communities" and packed with innovative and engaging courses. You'll also receive:

- Training from top experts in the field
- Information, tools and strategies to take your prevention work to the next level
- The latest science, news and trends on substance abuse issues
- Access to members of Congress on Capitol Hill Day

- The opportunity to network with thousands of advocates passionate about prevention.
- And much more!

From now until Monday, December 19, you are eligible to sign up for the CADCA Early-Bird Registration special, saving \$150 on all registration fees, so don't wait! All payments received after December 19 will not be eligible for the reduced rates. (All checks must be postmarked by December 19 to receive the early-bird discount.)

We are pleased to announce that Forum registration fees and hotel rates are identical to last year's. After registering, do not forget to book your hotel room as well.

[Save Now](#)

[Book Your Hotel](#)

Training Session Spotlight

Attending CADCA's 27th Annual National Leadership Forum and SAMHSA's 13th Prevention Day gives you a front-row seat to the top prevention experts in the field today. Attendees not only learn new and innovative strategies from our trainers, but can also network and make connections with those in the room seeking to address similar topics and challenges. Some of our featured training sessions include:

- ***Get It Right Or Get Left: Combating The Opioid Crisis With The Right People At The Right Table!***: How do successful coalitions do it? This session will highlight three high performing coalitions that are successfully addressing the opioid epidemic in three different areas of the community: Medical, Faith and Elected officials. Attendees will be able to take away practical ways

coalitions are engaging different sectors of the community in addressing opioids.

- ***Liquor Store Stories:*** Liquor Store Stories is a visual, oral and written critique of neighborhood pathways to underage drinking via establishments that sell alcohol. Students are invited to share how the presence of liquor stores affects them as they move through the city for school, work and play. Through storytelling, the youth-perspective on structures in the built environment of their communities becomes a powerful narrative. Youth are encouraged to share how they might interface with liquor stores through purchase of innocuous youth-centered products such as candy, chips and sodas, or through routine visits with older family members. Some may share that they are not patrons, but find themselves bombarded with enticing signage, or high numbers of establishments within a small radius.
- ***Synthetic Drugs (New Psychoactive Substances) — Solutions for Local Control in Any Size City/County:*** Synthetic drugs present significant and formidable challenges for law enforcement, public health officials, legislators and communities. When state and federal entities ban chemical formulas, the process is time consuming. Clandestine chemists quickly introduce new chemical formulas, staying steps ahead of legislative efforts. Legislation at the local level can be an effective way to implement policy change and is an excellent way to reduce synthetic drug impacts in communities. Local legislation can augment state and federal legislation, be implemented in a more time efficient manner and most importantly, can include a wide array of synthetic drug chemical formulas and chemical classes.

#CADCAForum

**Community Anti-Drug Coalitions
of America**
625 Slaters Lane Suite 300
Alexandria, VA 22314
800-54-CADCA | cadca.org



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Wednesday, November 23, 2016



TOP NEWS

Law360 MVP Awards Go To Top Attorneys From 76 Firms

The elite slate of attorneys chosen as Law360's 2016 MVPs have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals. Here is a list of this year's Law360 MVPs.

Trump Team Taps Proskauer, Cahill Attys For Agency Advice

The Donald Trump transition team added another four BigLaw attorneys to its team guiding the shift at a variety of federal agencies, including former U.S. Securities and Exchange Commission counsel from Proskauer Rose LLP to the Federal Reserve Board landing team and Cahill Gordon & Reindel LLP to the Export-Import Bank team.

TPP Alternatives Gain Steam After Trump Vows Withdrawal

In the wake of President-elect Donald Trump's formal commitment to withdraw the U.S. from the Trans-Pacific Partnership once he takes office, the Chinese government on Tuesday began a hard sell of its own regional trade deal, as well as a broader initiative that could eventually welcome the U.S. into the fold.

LAW FIRMS

Akin Gump
Alston & Bird
Arnold & Porter
Atkinson Andelson
Baker & McKenzie
Baker Botts
BakerHostetler
Bernstein Litowitz
Bracewell
Bredhoff & Kaiser
BuckleySandler
Cahill Gordon
Chadbourne & Parke
Clifford Chance
Cohen Milstein
Cooley
Covington & Burling
Cravath Swaine
Crowell & Moring
Davis Polk
Davis Wright Tremaine
Debevoise & Plimpton
Dechert
Dentons
Dewey & LeBoeuf
Epstein Becker Green

Analysis

Wright, Ohlhausen May See Antitrust Spotlight Under Trump

Both President-elect Donald Trump and his pick for attorney general have limited resumes when it comes to antitrust, but his enforcement team may well feature two competition law veterans from the Federal Trade Commission: Maureen Ohlhausen and former Commissioner Josh Wright.

Trump Transition Watch: Kobach Flashes His DHS Plan

Potential Secretary of Homeland Security pick Kris Kobach inadvertently revealed his plan for the agency during a photo-op this weekend, while President-elect Donald Trump released a video Monday indicating future investigations into visa program abuses, potentially signaling that H-1B employers could see scrutiny.

Trump Won't Investigate Clinton Over Emails, Aide Says

The former campaign manager for President-elect Donald Trump on Tuesday said that Trump will not seek to investigate Hillary Clinton, marking an about-face from campaign promises to appoint a prosecutor to probe Clinton's use of a private email server as Secretary of State.

DOL's Overtime Rule Blocked Nationwide By Texas Judge

A Texas federal judge on Tuesday entered a nationwide injunction blocking the U.S. Department of Labor from implementing a controversial rule expanding overtime protections, saying the measure improperly created a salary-level test for determining which workers fall under the Fair Labor Standards Act's so-called "white collar" exemption.

BANKING & SECURITIES

CFTC Extends Reporting Relief To Foreign Swap Dealers

Fenwick & West
Fish & Richardson
Foley Hoag
Freshfields
Fried Frank
Gibson Dunn
Girard Gibbs
Grant & Eisenhofer
Greenberg Traurig
Hagens Berman
Hanson Bridgett
Haynes and Boone
Herbert Smith Freehills
Hogan Lovells
Holland & Knight
Hueston Hennigan
Irell & Manella
Jenner & Block
Jones Day
Katten Muchin
Kaye Scholer
Kelley Drye
King & Spalding
Kirkland & Ellis
Kramer Levin
Labaton Sucharow
Latham & Watkins
Lieff Cabraser
Littler Mendelson
Mayer Brown
Maynard Cooper
McDermott Will
McKool Smith
Morgan Lewis
Morrison & Foerster
Morvillo Abramowitz
Munger Tolles
O'Melveny & Myers

The U.S. Commodity Futures Trading Commission on Monday extended temporary relief to several non-U.S. swap dealers and major swap participants from complying with certain swap recordkeeping requirements for up to another year, saying it needs more time to study the matter.

IP & TECHNOLOGY

USPTO Says Sharing AIA Files Enhances Examinations

The U.S. Patent and Trademark Office reported Tuesday that a plan it hatched in April to bring patent examiners into the loop on prior art and other filings in pending America Invents Act proceedings was successful, saying it plans to expand the information-sharing further.

REAL ESTATE

Airbnb, NY Settle Short-Term Rental Law Spat

Airbnb Inc. and the state of New York agreed Tuesday to end their fight over a recent law that bans advertising of short-term rentals on sharing economy websites, just a month after the company filed suit and Gov. Andrew Cuomo signed the bill into law.

421-A NYC Building Owners Could Have Tax Benefits Revoked

New York City has issued letters to dozens of residential building owners receiving the 421-A tax benefit, saying that their benefits will be retroactively revoked if they don't comply with the requirements of the program, according to a joint statement from city and state officials on Tuesday.

EMPLOYMENT

Chamber Balks At AARP's Challenge To EEOC Wellness Regs

The U.S. Chamber of Commerce has urged a D.C. federal court to reject the AARP's attempt

Ogletree Deakins
Orrick Herrington
Patterson Belknap
Paul Hastings
Paul Weiss
Perkins Coie
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel
Robins Kaplan
Ropes & Gray
Sanford Heisler
Seyfarth Shaw
Sheppard Mullin
Sidley Austin
Simmons Hanly
Simpson Thacher
Skadden
Squire Patton Boggs
Sullivan & Cromwell
Troutman Sanders
Van Ness Law Firm
Vinson & Elkins
Weil Gotshal
White & Case
Wiley Rein
Wilson Sonsini
Winston & Strawn
Zuckerman Spaeder

COMPANIES

AARP Inc.
AT&T Inc.
Airbnb Inc.
American Bar Association
American Federation of State, County and Municipal Employees
Apple Inc.
BlackRobe Capital Partners LLC

to block the U.S. Equal Employment Opportunity Commission's wellness program regulations, saying that an injunction would severely undermine the benefits both employers and participants receive from such programs.

III. Workers Embark On 7th Circ. Bid To End Forced Dues

A pair of Illinois government workers urged the Seventh Circuit on Monday to reject their appeal of Illinois laws requiring nonunion workers to pay public-sector union fees, a move they hope will tee up the precedent the law is based on for review by the U.S. Supreme Court, which recently deadlocked in a similar case.

PRIVACY & CONSUMER PROTECTION

Obama Must Take Last Chance For Transparency, Groups Say

Groups anticipating a dramatic change in Oval Office attitudes towards privacy, including the Electronic Frontier Foundation, the Council on American-Islamic Relations and People for the American Way, called on President Barack Obama Monday to take his final chance to inform the public on a collection of effectively hidden government behaviors, including surveillance.

FTC Pushes For Privacy Protections In Driverless Cars

Self-driving vehicles must come stocked with privacy protections as cars "grow ever more connected," the Federal Trade Commission's consumer advocacy chief said in a letter Monday backing a highway safety regulator's inclusion of cybersecurity considerations in recent guidance on the topic.

Feds Hit NJ Town With Bias Suit For Rejecting Mosque

The U.S. Department of Justice announced Tuesday that it filed a lawsuit against Bernards Township, N.J., alleging that the municipality

Burford Capital LLC
CTIA
Cisco Systems Inc.
Citizens for Responsibility and Ethics in Washington
Electronic Frontier Foundation
Google Inc.
Government Accountability Project
Motorola Mobility LLC
Mylan NV
National Association of Manufacturers
National Right to Work Legal Defense Foundation
New York Times Co.
Platinum Partners LP
SYSCO Corporation
State Bar of California
Tax Foundation
Turner Broadcasting System Inc.
U.S. Chamber of Commerce
U.S. Foods Inc.
Washington Post Co.

GOVERNMENT AGENCIES
Central Intelligence Agency
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
European Commission
Export-Import Bank of the United States
Farm Credit Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.

discriminated against Muslims in rejecting a land use application to build a mosque.

GOVERNMENT CONTRACTS

GAO Optimistic New Navy Contract Strategy Will Cut Costs

In a new report, the Government Accountability Office has expressed optimism about the U.S. Navy's overhaul of surface ship repair contracts, saying a pivot to fixed-price awards and increased competition can save taxpayers significant sums of money.

INTERNATIONAL TRADE

US, China Swap Criticism Of Agricultural Trade Barriers

U.S. and Chinese officials aired grievances about agricultural trade barriers in both countries during a seminar in Washington, D.C., Tuesday, with American cabinet members leading calls for China to jettison "non-science-based" regulatory regimes that hurt U.S. imports.

EU Reaches Agreement On Conflict Mineral Regs

The European Union agreed Tuesday on a regulation that would govern imports of conflict minerals that are commonly used in cellphones, computers and other consumer electronics, after reaching a preliminary understanding on the core of the regulation during the summer.

UK's Trade Growing Pains Will Be Temporary, PM Says

U.K. Prime Minister Theresa May acknowledged Monday that the decision to leave the European Union has been difficult for the nation's exporting and importing businesses, but vowed that London will emerge from Brexit as a trade powerhouse and make its own mark on the global stage.

TAX

Federal Highway Administration
Federal Housing Finance Agency
Federal Reserve System
Federal Trade Commission
Fort McDowell Yavapai Nation
Gila River Indian Community
Government Accountability Office
Hualapai Tribe
Illinois Department of Transportation
Internal Revenue Service
National Highway Traffic Safety Administration
National Security Agency
Navajo Nation
Nevada Attorney General's Office
New Jersey Legislature
New York Attorney General's Office
Office of the Comptroller of the Currency
Salt River Pima-Maricopa Indian Community
Securities and Exchange Commission
Texas Attorney General's Office
Tohono O'odham Nation
U.S. Army
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Housing and Urban Development
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior

Trump Foundation Broke Self-Dealing Ban, Filings Suggest

President-elect Donald J. Trump's nonprofit private foundation appears to have engaged in prohibited self-dealing, according to the group's 2015 tax forms, which reveal it gave assets to a "disqualified person."

Saint Lucia Becomes Latest To Sign International Tax Pact

The island nation of Saint Lucia on Monday signed an agreement aimed at combating tax avoidance and evasion, becoming the 107th jurisdiction to join the Organization for Economic Cooperation and Development-backed global tax information sharing agreement, according to a statement from the OECD.

Christie Says Health Reforms Saved Income Tax Deal With Pa.

New Jersey Gov. Chris Christie said Tuesday that he will revive a long-standing reciprocity agreement with Pennsylvania that prevents residents from being taxed on income by two states, thanks to health benefit reforms that will save New Jersey \$200 million next year.

IMMIGRATION

Ill. Lawmaker Urges Divestment From Trump Wall Builders

A Democratic state lawmaker from Chicago has proposed legislation requiring Illinois to divest pension funds from any companies that help construct President-elect Donald Trump's planned wall between the United States and Mexico.

NATIVE AMERICAN

Ariz. Pact Changes Could End Opposition To Glendale Casino

U.S. General Services Administration
U.S. House of Representatives
U.S. Navy
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
White Mountain Apache Tribe

Arizona Gov. Doug Ducey announced changes to Native American gambling deals with the state Monday that would block any further tribal casinos in or around Phoenix, potentially leaving the Tohono O'odham Nation's Glendale facility as the only tribal casino in the area and resolving long-running litigation opposing the project.

TELECOMMUNICATIONS

FCC Enforcement Chief Touts Global Anti-Robocall Push

The Federal Communications Commission's enforcement head reiterated Monday the agency's efforts to combat robocall scams and other unwanted and illegal calls by recognizing the need to work with international law enforcement partners to target fraudsters who might otherwise be outside the FCC's reach.

EXPERT ANALYSIS

What History Tells Us About Obama's Antiquities Act Legacy

As the end of the Obama administration approaches there is renewed attention on President Barack Obama's use of the Antiquities Act of 1906. While almost every U.S. president has used his authority under this act to create new national monuments, its use has fueled tensions between the federal government and states over land control, say John Freemuth and Mackenzie Case of Boise State University.

Transportation Policy In The Trump Era: Part 2

The challenge of revitalizing and updating the nation's transportation and infrastructure will be a focus for the 115th Congress and the Trump administration. In the second of a three-part series, attorneys with Squire Patton Boggs consider the outlook for surface transportation initiatives, including the president-elect's

infrastructure plans, policies on autonomous vehicles, TIGER grants and safety oversight.

Big Tax Grab Risks Nipping Cannabis Industry In The Bud

California's Proposition 64 recently legalized recreational marijuana in the state, and for many policymakers, one of its major attractions was its promise as a new revenue source for perpetually underfunded operations. But heavy-handed new taxes — which some local jurisdictions are already countenancing — could throttle the promising new cannabis industry, says Michael Chernis of the Chernis Law Group.

Avoiding Law Firm BYOD Risks: Tips For Securing Devices

Many believe that the solutions to the security problems created by using smartphones for work are primarily technological, but a much larger piece of the puzzle involves the human factor. To achieve reasonable security around mobile devices, law firms must go back to basics — clear policies, effective training and thoughtful oversight, says Everett Monroe of Hanson Bridgett LLP.

LEGAL INDUSTRY

Vigorous Steps Needed To Fix Atty Wage Gap, Paper Says

Incremental changes won't be enough to fix the substantial discrepancies in pay between male and female lawyers, according to a new research paper, which asserts that law firms must take more drastic steps to attain gender equality.

George Bramblett, Haynes And Boone Founding Partner, Dies

George W. Bramblett Jr., 76, one of the four original partners of Haynes and Boone LLP and the founder of its litigation department, died at his Dallas home on Monday morning, the victim

of an apparent heart attack, the firm announced on Tuesday.

PACER Hit With Class Action Over Document Fees

A Florida lawyer filed a putative class action against the federal government Tuesday alleging the Public Access to Court Electronic Records system, or PACER, improperly charges users for viewing judges' opinions.

UK Ruling May Scare Novices Away From Litigation Financing

A U.K. court's criticism of legal investors who backed a \$1.6 billion suit against U.S. companies over Iraq oil field interests will discourage novice litigation funders from the tricky business of forecasting claims and head off future wrangling over shaky deals gone wrong, experts say.

Rainmaker Q&A: BuckleySandler's Michelle Rogers

It's important to know what matters to your clients beyond any one matter so that you can add value wherever possible. But I also think how you work with your clients is important. Delivering great results is the goal, but you should be able to do that in an environment that makes your client's life easier, says Michelle Rogers, partner at BuckleySandler LLP.

Rainmaker Q&A: Maynard Cooper's Michael Mulvaney

Aspiring rainmakers should focus on blooming where they are planted. Don't worry about cold calls and elaborate business development. Early on, use the relationships you have in the cases you are on, says Michael Mulvaney, shareholder at Maynard Cooper & Gale.

Law360 Closed For Thanksgiving

The offices of Law360 will be closed Thursday and Friday for the Thanksgiving holiday.

Newsletter service will resume Monday, Nov. 28.

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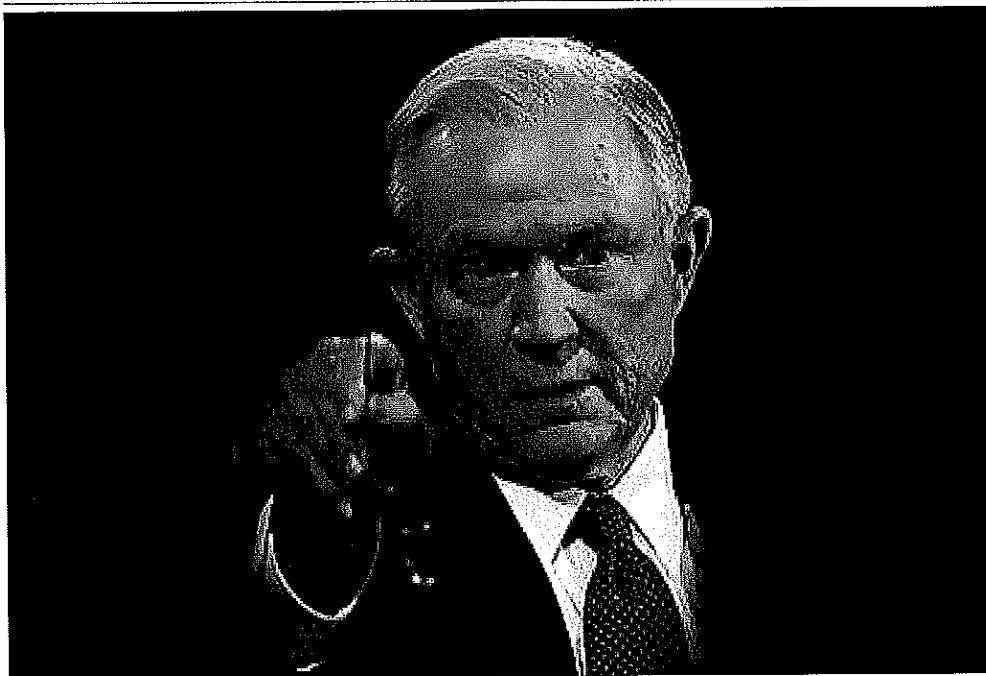
From: Public Policy Law360 <news-q@law360.com>
Sent: Monday, March 13, 2017 5:24 AM
To: Rep93
Subject: The U.S. Attorney Resignation Fallout



Monday, March 13, 2017



IN-DEPTH



News Analysis

Defenders Of Obama-Era Rules Face Tough Path To Court

Advocates anticipating a change in course from the new president want in on a wide array of public policy cases. But will lack of standing stand in their way?

TOP NEWS

Analysis

Trump's Prosecutor Purge Stokes DOJ Strife

The Trump administration on Friday abruptly forced out all remaining Obama-era U.S. attorneys, a move supporters were quick to defend as par for the course. But

LAW FIRMS

Beattie Padovano
Chamberlain Hrdlicka
Cleary Gottlieb
Covington & Burling
Cullen Weston
Davis Wright Tremaine
Dentons
Dewey & LeBoeuf
Earthjustice
Epstein Becker Green
Fenwick & West
Fisher Phillips
Gibbons PC
Gibson Dunn
Goodwin
Greenberg Traurig
Hangley Aronchick
Holwell Shuster
Hunton & Williams
Jones Day
Jones Walker
K&L Gates
King & Spalding
Kirkland & Ellis
Kline & Specter
Latham & Watkins
Lesnick Prince
Lieff Cabraser
Miller & Chevalier
Morgan Lewis

what made this different, critics say, was the hasty execution and suspicion that it was driven by a cable news pundit or the desire to head off a troublesome investigation or two.

How Preet Bharara Made A Name For Himself

Preet Bharara long called serving as the U.S. attorney in Manhattan his dream job, and for seven-and-a-half years he lived that dream — all the while haunting the nightmares of lawbreakers on Wall Street, in Albany and elsewhere.

House Passes Frivolous Suit Sanctions Bill

The House of Representatives passed a measure Friday to make sanctions for frivolous federal lawsuits mandatory again, with Republican backers claiming the bill would cut down on frivolous lawsuits.

Bharara Fired After Refusing To Resign

U.S. Attorney Preet Bharara said on Saturday that he had been fired after he refused to comply with Attorney General Jeff Sessions' order directing Obama-appointed U.S. attorneys to resign.

Analysis

Mexico Likely Eyeing NAFTA Update Instead Of Full Restart

As the likelihood of a revamped North American Free Trade Agreement looms large and the scope of any new talks remains up in the air, former Mexican official Antonio Ortiz-Mena told Law360 that Mexico will most likely push for an update of the current deal rather than a complete teardown.

Sessions Asks Obama's 46 Remaining US Attys To Resign

U.S. Attorney General Jeff Sessions has asked for resignation letters from 46 U.S. attorneys including Manhattan's Preet Bharara, the U.S. Department of Justice said on Friday, reversing an assurance from Sessions and President Donald Trump that Bharara could stay.

Analysis

4 Clues From The FCC Chairman On Net Neutrality's Fate

Federal Communications Commission Chairman Ajit Pai has been tight-lipped so far on the course he might take to undo 2015 net neutrality rules that he has long rejected, but key statements and actions in recent months offer hints as to how he might move forward.

5 Fast Facts About Trump's Pick For FDA Chief

President Donald Trump said Friday he will nominate right-leaning health scholar Scott Gottlieb to lead the U.S. Food and Drug Administration, a pick likely to be welcomed warmly by drug and device makers.

Analysis

Taxing Remote Vendors Politically Safer Than Tax Hikes

Despite the low odds of overturning Supreme Court law mandating that states can only levy transaction taxes on retailers physically present within their borders, cash-strapped states across the U.S. are pursuing creative ways to tax out-of-state retailers in the face of political challenges presented by tax increases and spending cuts.

Fla. House Overwhelmingly Passes Lobbying Restriction Bill

Florida's House of Representatives on Friday resoundingly agreed on a bill that would restrict lawmakers, elected officials and other appointed members of the

Morrison & Foerster

Munger Tolles

O'Melveny & Myers

Paul Hastings

Proskauer Rose

Ropes & Gray

Sauer & Wagner

Schmidt Kramer

Sedgwick LLP

Seward & Kissel

Seyfarth Shaw

Sidley Austin

Skadden

Smith Gambrell

Squire Patton Boggs

Steptoe & Johnson LLP

Stoel Rives

Susman Godfrey

Thompson & Knight

Troutman Sanders

Valle Makoff

Vinson & Elkins

Weiner Brodsky

White and Williams

WilmerHale

COMPANIES

Altman Weil Inc.

Amazon.com Inc.

American Bar Association

American Beverage Association

American Civil Liberties Union

American Enterprise Institute

American Federation of Labor and Congress of Industrial Organizations

American Heart Association

American Immigration Council

American Society of Civil Engineers

Associated Press

BNSF Railway

Bank of America Corporation

CUNA Mutual Group

Center for Biological Diversity Inc.

Citigroup Inc.

Claro Group LLC

state's government from acting as lobbyists or personal representatives for up to six years following their term.

Gorsuch Drafted Comments On High Court Gitmo Case

During his tenure at the U.S. Department of Justice, Supreme Court nominee Judge Neil Gorsuch worked on talking points and other documents in response to a high court decision on Guantanamo Bay detainees, documents released this week show.

BANKING & SECURITIES

House Dems Urge Fed To Move Forward With Bank Rules

Democratic lawmakers on Friday urged the Federal Reserve to keep up its regulatory work even as the Trump administration has put in place a moratorium on new rules governing how businesses operate.

PHH Says Only Way To Make CFPB Constitutional Is To Kill It

The mortgage servicer at the center of litigation that could dramatically alter the structure of the Consumer Financial Protection Bureau said Friday that the only way to remedy the constitutional problems inherent to the agency was to eliminate it.

SEC Denies Winklevoss Twins' Bitcoin ETF Application

The U.S. Securities and Exchange Commission on Friday denied an application for the Winklevoss brothers to create the first-ever exchange traded fund tracking the price of bitcoin, citing the lack of regulation in bitcoin markets.

Banned Adviser Urges DC Circ. To Upend Past Ruling On ALJs

An investment adviser challenging the constitutionality of the U.S. Securities and Exchange Commission's in-house judges urged the D.C. Circuit on Friday to overturn a past circuit ruling on similar agency judges, after the appellate court agreed to rehear the SEC case.

ENERGY & ENVIRONMENTAL

State Dept. Says Tillerson Recused Himself From Keystone XL

Secretary of State Rex Tillerson, who retired as CEO of Exxon Mobil Corp. to take on the role, has recused himself from issues related to the controversial proposed Keystone XL Pipeline project, the U.S. Department of State told Greenpeace in a letter on Thursday.

Law Profs Ask 9th Circ. To Review Fish ESA Listing Decision

A group of law professors has asked the Ninth Circuit to overturn the U.S. Fish and Wildlife Service's decision not to grant Endangered Species Act protection to the Arctic grayling, saying the agency improperly limits when a species qualifies for such a conservation measure.

HEALTH & LIFE SCIENCES

'Healthy' Food Labeling Needs Hybrid Approach, FDA Told

The U.S. Food and Drug Administration was urged Thursday to take a hybrid approach to redefining the term "healthy" on food labels and to consider both nutrient content and what food group a product falls into while the agency considers changing its definition of the term.

CohnReznick LLP
Comcast Corporation
ConAgra Foods, Inc.
Consumer Watchdog
Corporation for Public Broadcasting
Credit Suisse Group AG
Daiichi Sankyo Co.
Environmental Defense Fund Inc.
Ernst & Young
Exxon Mobil Corporation
Facebook
Fannie Mae
Fitbit Inc.
Ford Motor Company
Freddie Mac
General Electric Capital Corp.
Generic Pharmaceutical Association Inc.
GlaxoSmithKline
Goldman Sachs Group Inc.
Google Inc.
HSBC Holdings PLC
Home Depot, Inc.
Imperial Sugar Company
International Brotherhood of Teamsters
International Business Machines Corporation
KKR Financial Holdings LLC
Kaufman Rossin & Co.
Kind LLC
King Pharmaceuticals Inc.
Kudelski Group
LexisNexis Group
Lyft Inc.
National Association of Broadcasters
National Rifle Association of America
New Enterprise Associates
New York University
PHH Corporation
People's United Financial Inc.
Pfizer Inc.
S&P Global Inc.
S.A.C. Capital Advisors LP

TRANSPORTATION & INFRASTRUCTURE

Cars Without Drivers Allowed In Calif. DMV's Proposed Rules

The California Department of Motor Vehicles on Friday released proposed regulations for fully autonomous vehicles, revealing a regime that may bury some potential self-driving car contenders in paperwork but opens the door to vehicles without drivers taking to Golden State streets.

New Report Gives US Near-Failing Grade On Infrastructure

U.S. infrastructure continues to score low marks with a near-failing grade, according to a new report from the American Society of Civil Engineers on Thursday that comes just as the Trump administration considers pushing a \$1 trillion infrastructure investment plan.

US Chamber Again Sues Seattle Over Driver Unionization Law

The U.S. Chamber of Commerce hit Seattle with another suit in Washington federal court on Thursday over the city's law giving for-hire drivers working for companies like Uber and Lyft the right to unionize, calling the ordinance illegal, a conspiracy and an attack on competition within the ride-hailing industry.

Railroads Ask 9th Circ. To Keep Block On Calif. Hazmat Fee

BNSF Railway Co. and Union Pacific Railroad Co. pressed the Ninth Circuit on Thursday to uphold a federal court's ruling that blocked California's tax board and regulators from implementing a new law that slaps a fee on rail cars transporting hazardous materials such as crude oil and chemicals.

REAL ESTATE

NJ Town, Developer Defeat Rezoning Challenge

A New Jersey town and a developer on Friday defeated a challenge to zoning changes that advanced retail and affordable housing projects when the Appellate Division affirmed that there was no proof the developer paid off the town to enact the law.

EMPLOYMENT

Unions Hope To Take Local Right-To-Work Ruling To SCOTUS

A group of unions in Kentucky asked the Sixth Circuit on Thursday to vacate its November judgment that allows local governments to pass union-weakening right-to-work laws in anticipation of asking the U.S. Supreme Court to weigh in on the legal battle.

GOVERNMENT CONTRACTS

DOD Contract Spending Falls About 31% In 5 Years, GAO Says

U.S. Department of Defense contract spending dropped almost 31 percent from fiscal year 2011 to 2015, the Government Accountability Office said Thursday in a sweeping analysis of overall federal contract spending in that five-year period.

INTERNATIONAL TRADE

US, Mexico Pledge New Effort To Clear Sugar Trade Impasse

Officials from the U.S. and Mexico announced Friday that they have renewed their efforts to resolve issues with sugar trade agreements between the two countries

State Bar of California

Tax Foundation

The Cato Corporation

The Great Atlantic & Pacific Tea Company, Inc.

TransCanada Corporation

Trump Organization Inc.

Twitter Inc.

U.S. Chamber of Commerce

UBS AG

Uber Technologies Inc.

Union Pacific Corporation

Vertex Pharmaceuticals Incorporated

Volkswagen

Volvo Car Corp.

Windstream Corporation

ZTE Corp.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Labor Statistics

California Transportation Agency

Centers for Disease Control and Prevention

Centers for Medicare & Medicaid Services

Central Command

Congressional Budget Office

Consumer Financial Protection Bureau

Department of Commerce

Equal Employment Opportunity Commission

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

Florida House of Representatives

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

International Trade Commission

after U.S. companies raised red flags over alleged flaws in a deal that halted U.S. trade probes into Mexican sugar imports.

TAX

Reconciliation Offers Path To Tax Reform, Trump Adviser Says

Republicans will "absolutely" pursue tax reform under the budget reconciliation process, the White House National Economic Council director said Friday, referring to the procedure that allows Senate passage of bills related to the budget on a simple majority vote, but is limited to a 10-year time frame.

Fla. House OKs Bill Gutting Gov.'s Tax Incentive Programs

The Florida House of Representatives voted Friday to eliminate the tax incentive programs meant to lure businesses to the state and to increase oversight of the state's tourism marketing corporation, setting up a showdown with the governor, who called it "job-killing legislation."

Philly Urges Appeals Court To Affirm Soda Tax's Legality

The city of Philadelphia urged a Pennsylvania appeals court Friday to affirm a decision finding that the city's controversial new levy on sugar-sweetened beverages did not usurp the state's taxing authority, saying opponents were making political arguments that didn't implicate the tax's legality.

Vape Dealers Say Pa. E-Cig Tax Overbroad, Discriminatory

Pennsylvania sellers of nicotine vaping supplies that say the state's Department of Revenue is enforcing an illegal, overbroad application of a 40 percent tax to items not inherently vape-related had their case removed to federal court Thursday.

IMMIGRATION

Trump's Latest Travel Ban Faces First Legal Setback In Wis.

A Wisconsin federal judge dealt an early legal blow to President Donald Trump's revised travel ban Friday by blocking enforcement of the controversial executive order to prevent a processing holdup with asylum petitions for the family of a Syrian refugee in the United States.

Judge Refuses To Move Ahead In Wash. Travel Ban Case

A Washington federal judge refused to move ahead in a case over President Donald Trump's latest travel ban on Friday, pointing out that there wasn't actually a pending motion before the court, but rather just a notice of the new executive order and responses.

TELECOMMUNICATIONS

McConnell Backs Move To Nix FCC Privacy Rules

The GOP is lining up to push for rollback of Federal Communications Commission rules pertaining to broadband privacy with a new resolution in the House and Senate Majority Leader Mitch McConnell's support of a Senate measure.

FCC Considering 'Next Generation' Broadcasting Standard

The Federal Communications Commission on Friday published a notice that proposes the authorization of the "next generation" broadcast television standard that would allow for innovations such as ultra high-definition TV, mobile broadcast TV and advanced emergency alerting.

NAFTA

National Aeronautics and Space Administration

National Economic Council

National Labor Relations Board

National Marine Fisheries Service

National Park Service

National Security Council

New York Attorney General's Office

New York State Assembly

Office of Federal Procurement Policy

Office of Foreign Assets Control

Oregon Department of Justice

Pennsylvania Department of Revenue

Securities and Exchange Commission

Social Security Administration

U.S. Attorney's Office

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Navy

U.S. Office of Government Ethics

U.S. Senate

U.S. Supreme Court

U.S. Uniform Law Commission

EXPERT ANALYSIS

How GOP Health Care Bill Would Affect Coverage Reporting

The House Republicans' "American Health Care Act" bill would repeal many provisions of the Affordable Care Act but retain and expand the information reporting rules. Health insurance issuers hoping for a full repeal of the ACA's reporting provisions will be disappointed, as the ACA's reporting regime would largely survive, at least temporarily, say Michael Chittenden and Yongo Ding of Miller and Chevalier Chartered.

Early Days Of New Administration Show Influence Of TROs

President Donald Trump's recent executive order banning travel to the U.S. by certain people from several Muslim-majority countries, and the related preliminary injunctive orders, are directly related to concepts of immigration law. However, the temporary restraining order mechanism available under Federal Rule of Civil Procedure 65(b) is relevant to many practitioners, say attorneys at Skadden Arps Slate Meagher & Flom LLP.

Modernizing New York's Fraudulent Conveyance Laws

A bill recently introduced in the New York State Assembly would repeal the state's version of the Uniform Fraudulent Conveyance Act and replace it with the Uniform Voidable Transaction Act. Adoption of the UVTA would be an important step in ensuring that New York law remains the gold standard in commercial contracts, says Patrick Fitzmaurice of Troutman Sanders LLP.

New Calif. Law Will Change Youth Sports Concussion Cases

California's recently enacted youth sports concussion law significantly expands the scope of the pre-existing "return to play" law, which only applied in the scholastic setting — as is the case in most other jurisdictions throughout the country. Expect to see similar expansions in other states, say Anne Marie Ellis and Paul Alarcon of Buchalter.

In Congress: ACA, Veterans Affairs, Seema Verma

Much of the attention on Capitol Hill this week will remain focused on the House Republican proposal to repeal and replace the Affordable Care Act. The plan so far has been met with mixed reviews, with a number of Republican members in both chambers expressing opposition to the legislation in its current form, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

LEGAL INDUSTRY

Feature

Can The Legal Industry Keep Trial Advocacy Alive?

Judges and trial lawyers are stepping in to help young attorneys learn to persuade a jury, but as trials disappear, these efforts might prove to be too little, too late.

How To Get The Most Out Of Outside Counsel

If the law firms your company works with are falling short of expectations, an in-house shake-up can help get them back on track and ensure they stay there. Here are four experts' approaches to better outside counsel management.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The House OK'd three corporate-friendly pieces of legislation, VW copped to emissions cheating in a \$4.3 billion settlement and BigLaw rates got higher. Those stories top the corporate legal news you may have missed last week.

Legal Sector Jobs Drop In Trump Administration's First Month

Despite a strong month of job growth across the board during President Donald Trump's first full month in office, the legal services sector lost 1,300 jobs since January and reversed a three month positive trend, according to the Bureau of Labor Statistics monthly jobs report released Friday.

Star Dewey Cooperator Tells Of 'Master Plan' To Con Banks

The highest ranking Dewey & LeBoeuf LLP staffer to plead guilty in the Manhattan district attorney's case accusing the law firm's top executives of an accounting fraud scheme on Friday told jurors of the "master plan" to falsely inflate Dewey's income, and said that the firm's chief financial officer was in on the scam.

Calif. Bar Bans Attorney-Client Sex In Ethics Overhaul

The board of trustees for the State Bar of California has approved a new rule prohibiting sexual relations in most instances between attorneys and their clients, as part of a recent effort to transform the state's ethics guidelines.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

JOBS

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From: Public Policy Law360
Sent: Wednesday, March 8, 2017 4:47 AM
To: Rep93
Subject: GOP Leaders Defend ACA Repeal Bill Amid Backlash



Wednesday, March 8, 2017



TOP NEWS

GOP Leaders Defend ACA Repeal Bill Amid Backlash

Amid criticism from both within their party and across the aisle, Republican leaders defended their plans to repeal the Affordable Care Act Tuesday, a day after revealing a plan backed by President Donald Trump.

Trump Taps Ex-Jones Day Partner For Solicitor General Post

President Donald Trump on Tuesday announced his intent to nominate Noel Francisco, until recently a Jones Day partner and currently the acting solicitor general, to serve as the next U.S. solicitor general, confirming rumors that have swirled for weeks about his possible appointment.

Kirkland Attorneys Land White House Legal Posts

Several former Kirkland & Ellis LLP attorneys nabbed legal jobs in President Donald Trump's administration as the White House on Tuesday officially announced the latest batch of additions to the president's counsel office.

DAG Hopeful Resists Queries On Trump-Russia Investigator

LAW FIRMS

Arent Fox
Baker McKenzie
Bangs McCullen
Best Best
Boies Schiller
Brann & Isaacson
Brownstein Hyatt
Cleary Gottlieb
Clifford Chance
Covington & Burling
Cravath Swaine
Davis Polk
Debevoise & Plimpton
Dewey & LeBoeuf
Donohue Brown
Earthjustice
Epstein Becker Green
Eversheds Sutherland
Frost Brown Todd
Gibson Dunn
Goldstein & Russell
Goodwin
Greenberg Traurig
Haynes and Boone
Hogan Lovells

The nominee for U.S. deputy attorney general, Rod Rosenstein, resisted calls to commit to assigning a special prosecutor to look into the Trump administration's contacts with Russian officials, saying at his confirmation hearing Tuesday that he will think about it once on the job.

Analysis

3 Employer Takeaways From The ACA Repeal Proposal

Congressional Republicans on Monday unveiled their long-awaited plan to repeal and replace the Affordable Care Act, a proposal that would change the legal landscape for large businesses by scrapping the requirement to provide health coverage to employees or face penalties. Here, experts identify three takeaways for employers from the proposed worker health care overhaul.

Dems Blast Gorsuch's Record On Workers, Disability Rights

Senate Democrats on Tuesday pounced on Judge Neil Gorsuch's decision in a disability rights case involving a cancer-stricken college professor to paint the judge as an "ultraconservative" unfit for the Supreme Court, trying to foment opposition to his nomination ahead of confirmation hearings taking place later this month.

Analysis

House Bill Could Inject Med Mal Reforms Into ACA Fight

A federal bill to cap noneconomic damages in medical malpractice cases would be a game changer, but its passage faces obstacles that make success unlikely, according to experts, some of whom say the bill's true purpose is for inclusion in the broader package to repeal the Affordable Care Act.

Hawaii Becomes 1st State To Challenge New Immigration Ban

The state of Hawaii, aided by a litigation team from Hogan Lovells, appears to be the first state

Holland & Knight
 Hunton & Williams
 Jackson Lewis
 Jenner & Block
 Jones Day
 Kennerly Loutey
 Kilpatrick Townsend
 King & Spalding
 Kirkland & Ellis
 LeClairRyan
 Linklaters
 Manko Gold
 Marashlian & Donahue
 Morgan Lewis
 Morrison & Foerster
 Morvillo Abramowitz
 O'Melveny & Myers
 Paul Hastings
 Perkins Coie
 Pillsbury Winthrop
 Priddy Cutler
 Pryor Cashman
 Reed Smith
 Ropes & Gray
 Segal Roitman
 Seward & Kissel
 Skadden
 Slaughter and May
 Sullivan & Cromwell
 Weiner Brodsky
 Williams & Connolly
 Zuckert Scoutt

COMPANIES
 Air Line Pilots Association International
 Alliance of Automobile Manufacturers
 America's Health Insurance Plans

to challenge President Donald Trump's revised executive order banning people from six Muslim-majority countries from entering the United States, telling a Hawaii federal court it plans to file a temporary restraining order along with an updated complaint.

Congress Passes NASA Reform, Reauthorization Bill

Congress passed a reform and reauthorization bill Tuesday for NASA, sending a measure to President Donald Trump that includes support for an eventual Mars mission and the International Space Station.

Analysis

New Model Regs For Taxing Services May Lead To Lawsuits

The Multistate Tax Commission's new model regulations for determining how businesses should apportion their income to different states has raised constitutional concerns among tax practitioners who say the recommendations, if adopted, could lead to conflicts between states and service providers.

BANKING & SECURITIES

DC Circ. Rejects Motions To Intervene In CFPB Litigation

The D.C. Circuit on Tuesday denied bids by both backers of the Consumer Financial Protection Bureau, including Democratic members of Congress and state attorneys general, and bureau opponents to involve themselves in a high-stakes appeal of a ruling that could alter the bureau's leadership structure.

ENERGY & ENVIRONMENTAL

Congress' Axing Of BLM Planning Rule Sent Along To Trump

The Senate on Tuesday passed its most recent in a series of resolutions targeting late rules from former President Barack Obama's

American College of Physicians
American Federation of Labor and Congress of Industrial Organizations
American Health Care Association
American Hospital Association
American Medical Association Inc.
Association of American Medical Colleges
CSX Corporation
Centene Corporation
Competitive Carriers Association
Consumer Reports
Cray Inc
Ford Motor Company
Grant Thornton LLP
Immigration Reform Law Institute
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
King Pharmaceuticals Inc.
LexisNexis Group
Major League Baseball Inc.
Miami Marlins
National Association of Broadcasters
National Association of Insurance Commissioners
National Conference of State Legislatures
National Congress of American Indians
Newegg Inc.
Overstock.com Inc.
PHH Corporation
Pacific Legal Foundation
Pfizer Inc.
Pharmaceutical Care Management Association

administration, this one aimed at undoing the Bureau of Land Management's new land-planning regime, and sent it to President Donald Trump for his signature.

Senate Dems Ask EPA To Keep Vehicle Emissions Standards

A group of 12 Senate Democrats wrote a letter to U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday in support of keeping emission standards for light-duty vehicles, arguing the rules should stay in place to help the environment and reduce dependency on foreign oil.

Fishermen Challenge Obama's Atlantic Marine Monument

A coalition of New England fishermen organizations on Tuesday sued the federal government over former President Barack Obama's designation of an oceanic national monument that they say will harm commercial fishing in the area.

EPA Can't Ignore Mercury Rule Mistakes, DC Circ. Told

Environmentalists and electric industry groups on Monday took their final swings at the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants in the D.C. Circuit, insisting the agency wrongly rejected their bids to alter the rule.

HEALTH & LIFE SCIENCES

Epic Backlash Grieets ACA Repeal Plan

House Republicans on Tuesday encountered swift and sweeping resistance to their Affordable Care Act repeal plan, with powerful industry groups and diverse conservative voices expressing opposition.

Clearing Medicare Backlog Quickly Is Impossible, HHS Says

The U.S. Department of Health and Human Services won't be able to meet a court-imposed

Reed Elsevier
S&P Global Inc.
Samsung Electronics Co. Ltd.
Southern California Edison
Texas Rangers
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Steel Corporation
Verizon Communications
Wayfair LLC

GOVERNMENT AGENCIES
Agua Caliente Band of Cahuilla Indians
Bureau of Indian Affairs
Bureau of Labor Statistics
Bureau of Land Management
California Department of Insurance
California Environmental Protection Agency
Central Intelligence Agency
Cherokee Nation
Congressional Budget Office
Consumer Financial Protection Bureau
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Florida House of Representatives
Indian Health Service
Internal Revenue Service
National Aeronautics and Space Administration
National Highway Traffic Safety Administration

deadline to clear a backlog of Medicare billing appeals unless it settles the claims without actually seeing if they have merit, the agency told a D.C. federal court Monday.

Trump's Rule To Stabilize ACA Draws Praise, Warnings

The Trump administration on Tuesday heard vastly different perspectives on its ideas for stabilizing Affordable Care Act marketplaces, with consumers, insurers and regulators diverging on proposals for restricting enrollment and easing network oversight.

MEDIA & ENTERTAINMENT

MLB Execs Testify As Ballplayer Smuggling Trial Continues

An agent and a trainer accused of helping smuggle Cuban ballplayers to the United States commenced their defense Tuesday by calling Texas Rangers General Manager Jon Daniels and other baseball executives to testify at their federal trial in Miami after the judge rejected their motions for acquittal.

Fla. Court Declares State Lottery Contract Void

A Florida judge handed the leader of the state's House of Representatives a win Tuesday by declaring the state lottery department's 14-year contract for ticket vending machines void because the department did not get legislative approval first.

TRANSPORTATION & INFRASTRUCTURE

Norwegian Air Can Intervene In DC Circ. Air Permit Row

Norwegian Air Shuttle ASA's Irish subsidiary can intervene in a suit brought by a coalition of pilots and flight attendants unions challenging the U.S. Department of Transportation's controversial decision to grant the airline a

National Labor Relations Board

National Railroad Passenger Corporation

National Security Council

Office of the Director of National Intelligence

Pascua Yaqui Tribe

Securities and Exchange Commission

South Dakota Department of Revenue

Tennessee Legislature

Transportation Security Administration

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Office of Personnel Management

U.S. Railroad Retirement Board

U.S. Senate

U.S. Supreme Court

foreign air carrier permit, the D.C. Circuit has decided.

DC Circ. Asked To Halt Santa Monica Runway Reduction

General aviation groups asked the D.C. Circuit on Monday to halt Santa Monica's plans to shorten its airport runway to shut out jets as allowed under the California city's approved plan to close the airfield by 2029, a pact with the Federal Aviation Administration that airport proponents argue is legally invalid.

Unions Slam Railroads' Bid To Preempt Mass. Sick Leave Law

A group of labor unions that represent railway workers told the First Circuit on Monday that a lower court wrongly deemed a Massachusetts paid sick leave law to be preempted by federal law, as the latter was designed to preempt only laws that would duplicate longer-term disability benefits.

EMPLOYMENT

6th Circ. Denies Rehearing On County's Right-To-Work Law

The Sixth Circuit on Monday declined to revisit as a full body a November panel ruling that a Kentucky county's right-to-work ordinance is allowed by the National Labor Relations Act, leaving the door open for local governments to enact such measures where no statewide law exists.

PRIVACY & CONSUMER PROTECTION

Gretchen Carlson, Dems Push Bids To Ax Forced Arbitration

Former Fox News anchor Gretchen Carlson and a group of Democratic lawmakers pitched legislation that would keep mandatory arbitration clauses out of employment and other consumer contracts, saying at a news

conference Tuesday that arbitration protects corporations from facing their ills.

INTERNATIONAL TRADE

Senate Panel Will Examine US Trade Rep Nominee Next Week

The Senate Finance Committee on Tuesday announced that it will hold a hearing on March 14 to consider the nomination of Skadden Arps Slate Meagher & Flom LLP trade attorney Robert Lighthizer to serve as the next U.S. trade representative.

TAX

SD Sales Tax Law Edges Closer To Hearing In Top Court

A South Dakota law imposing sales taxes on certain out-of-state retailers inched closer to the Supreme Court on Tuesday when a state circuit court tossed a lawsuit to compel online retailers to pay the tax, finding the suit fails as a matter of law.

Pa. Auditor Says Marijuana Can Help Close Budget Shortfall

Pennsylvania's auditor general called for the full legalization, and taxation, of marijuana Monday as a way to tackle the state's projected \$3 billion budget shortfall and to address the social and fiscal costs of policing the drug and pursuing criminal charges against users.

Water Agency Can't Revive Challenge To Tribal-Land Tax Rule

The Ninth Circuit held Tuesday that a California water agency was not injured by a federal regulation it argued might keep it from collecting certain taxes and fees from non-Indians who lease reservation lands, affirming the toss of the agency's challenge.

IMMIGRATION

Trump's Hiring Freeze Doesn't Touch Immigration Judges

President Donald Trump's recent federal employee hiring freeze does not affect federal immigration judges, the Executive Office for Immigration Review has said, marking the latest clarification on how the president's budget-cutting agenda will be implemented.

Immigration Group Wants In On Visa Rule Challenge Suit

An advocacy group for high-skilled immigrants has asked to intervene in an appeal at the D.C. Circuit brought by Save Jobs USA over a decision upholding a new rule that would allow spouses of certain H-1B workers to apply for employment authorization, saying the rule was validly implemented but may no longer be defended by the federal government under President Trump.

NATIVE AMERICAN

Tenn. Judge Nixes Native Groups' Suit Over State Recognition

A Tennessee federal judge on Monday tossed a suit by three Native American groups claiming the state violated their constitutional rights by reneging on a state commission's decision to recognize them as tribes, saying Tennessee hadn't waived its Eleventh Amendment immunity to those claims.

TELECOMMUNICATIONS

Trump Renominates FCC's Pai To Continue As Chairman

President Donald Trump has nominated Federal Communications Commission Chairman Ajit Pai to a second term at the agency, the commission announced on Tuesday.

Analysis
FCC's Robocall Plan To Benefit From Rare Bipartisanship

Federal Communications Commission Chairman Ajit Pai's planned proposal to expand the tools for combating illegal robocalls builds from a President Barack Obama-era initiative, and experts say it's expected to gain rare agreement across party lines and between government and industry.

Broadcasters Ask FCC To Make Post-Auction Deadline Flexible

The National Association of Broadcasters has urged the Federal Communications Commission to make its timeline for repacking broadcasters after the incentive auction flexible, saying viewers could be at risk of losing service.

EXPERT ANALYSIS

Shining A Light On GOP Plan For Health Care Reform

Since the election of President Trump and Republican majorities in the House and the Senate, there has been a strong push to repeal and replace the Affordable Care Act. However, there has been little detail as to what "repeal" or "replace" actually mean. Recent developments provide some clarity, say members of Debevoise & Plimpton LLP.

The Need To Preserve And Expand Tribal VAWA Jurisdiction

Given the new administration's penchant for rolling back progressive civil rights and social justice victories achieved under the Obama administration, the fight to reauthorize the Violence Against Women Act looms large. VAWA provides crucial protection for Native American women, who are victims of violent crime more than any other demographic, primarily at the hands of non-Natives, says Becky Howlett of Kilpatrick Townsend & Stockton LLP.

NY Employers Can't Avoid Overtime And Minimum Wage Regs

When a district court judge in Texas enjoined the U.S. Department of Labor's federal overtime rule last year many employers breathed a sigh of relief. However, there are many states, like New York, that have expressed a real intent to fill the void and make sure that labor protections continue, say Joshua Zuckerberg and LaKeisha Caton of Pryor Cashman LLP.

LEGAL INDUSTRY

Largest Firms' Rates Pull Further Ahead Of The Pack

The split is growing between partner billing rates at the largest law firms and the lower tiers, even at other relatively large firms, a report based on 2016 billing data has found.

Morgan Lewis Launches Remote-Work Option For Associates

Morgan Lewis & Bockius LLP on Tuesday announced a formal remote-working program for associates.

Ex-BigLaw Atty's Pfizer Tip Shared Among Friends, Jury Told

The trial of a former Hunton & Williams patent partner who allegedly leaked inside information about a Pfizer deal continued Tuesday as a cooperating witness who pled guilty to trading on the intel told jurors the details about how the tip ended up in his hands — and how it was eventually discovered.

Dewey Star Cooperator Set To Take Stand At Fraud Retrial

The former director of finance at Dewey & LeBoeuf LLP and star cooperating witness for the government is due to take the witness stand Thursday in the retrial of two top Dewey executives accused of running a massive accounting fraud scheme at the firm.

Cleary Gottlieb Raises UK First-Year Pay To £120K

Pay for Cleary Gottlieb Steen & Hamilton LLP's first-year London associates continues to rise, with salaries climbing from £96,000 in 2015 to £105,000 last year and finally reaching £120,000 this month, a firm spokesman said Tuesday, putting its associates among the top-paid first-year lawyers in the U.K.

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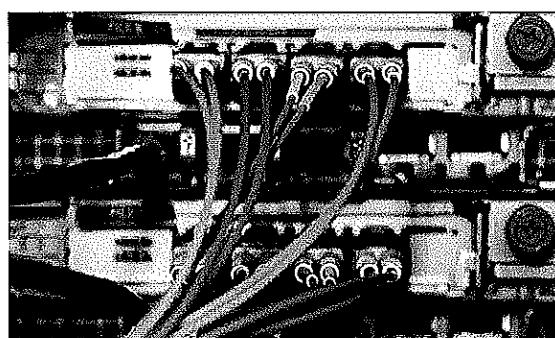
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From: Courtney Cook
Sent: Wednesday, March 8, 2017 3:47 PM
To: Rep93
Subject: See What's Happening at the ALEC Spring Meeting!



Have you heard...

The ALEC Communications and Technology Task Force is excited to hear from Commissioner of the Federal Communications Commission, Micheal O'Rielly. Commissioner O'Rielly comes from an extensive background in banking, technology, transportation, trade and commerce issues. You do not want to miss this!



Be on

Registration
Annual Me
on April 3.

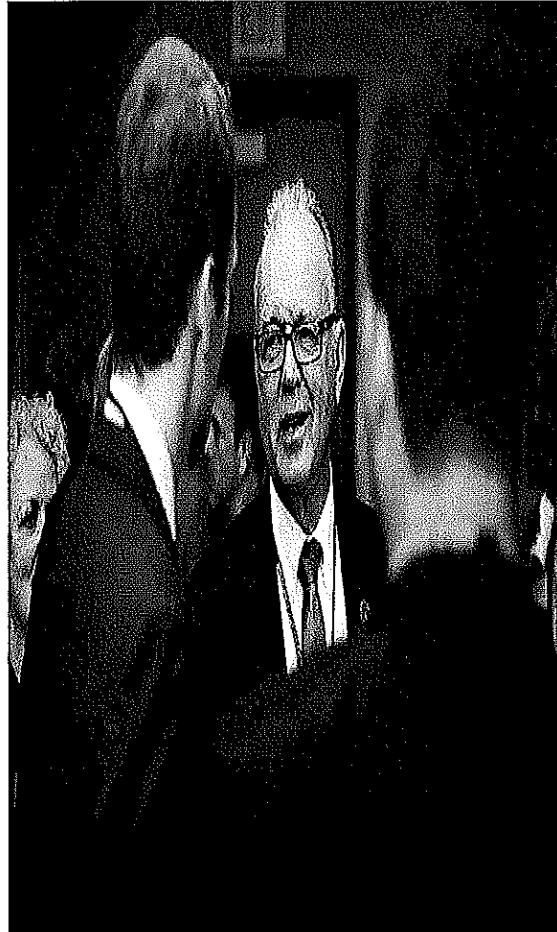
Annual Me
Denver, Co

States and
Summit
Nashville, T

Get there early...

ALEC is excited to host a reception for our Center for Innovation and Technology. Grab your badge and join us before you hit the town for dinner on Thursday, May 4 from 4:30 PM - 6:00 PM at the hotel.

Have



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APRIL 4!

>> REGISTER NOW

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discounted rate yet?

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To: Rep93
Subject: 24M Fewer Insured Under ACA Repeal, CBO Says



Tuesday, March 14, 2017



TOP NEWS

24M Fewer Insured Under ACA Repeal, CBO Says

Republican plans to repeal and replace the Affordable Care Act could cause 24 million Americans to go without health insurance, the Congressional Budget Office estimated Monday.

Trump Orders Review Of Fed. Programs In Bid To Shrink Gov't

President Donald Trump signed an executive order Monday requiring a program-by-program examination of every federal agency, taking another step in his push to reorganize and downsize the federal government.

Senate Approves Trump's CMS Administrator Pick

The U.S. Senate on Monday OK'd President Donald Trump's pick to head the Centers for Medicare and Medicaid Services, voting to approve health care executive Seema Verma as the administrator for the health care agency.

Analysis

Will SDNY's Independent Streak Falter Without Bharara?

As Manhattan's top prosecutor, Preet Bharara chased Wall Street traders, Albany legislators and even small-town narcotics gangs, upholding the headstrong tradition of the district's U.S. Attorney's Office. Now, some former prosecutors say the circumstances of his exit raise questions about whether a successor will maintain the independent culture of the elite office.

Trump Slams Bid For Injunction In Travel Ban Challenge

The federal government hit back Monday against Hawaii's attempt to block the implementation of President Donald Trump's revamped immigration ban, saying the state cannot rely on purported injury to others to litigate its claims.

GOP Sens. Float Bill To Address CBP Hiring 'Obstacles'

A trio of Republican U.S. senators have introduced a bill that they said will address staffing shortages at U.S. Customs and Border Protection by nixing "obstacles" such as lie detector tests as a hiring requirement for applicants with qualifying law enforcement or military experience.

Analysis

4 Questions About The New Travel Ban Order

LAW FIRMS

Altshuler Berzon
Arent Fox
Arnold & Porter Kaye Scholer
Baker McKenzie
Blank Rome
CJ Lake LLC
Carter Ledyard
Coleman & Horowitz
Covington & Burling
Curtis Mallet-Prevost
Dentons
Dewey & LeBoeuf
Duane Morris
Faegre Baker
Fragomen Del Rey
Gibson Dunn
Goldstein Borgen
Graham & Dunn
Hogan Lovells
Holland & Knight
Hunton & Williams
Jackson Lewis
Kahn Soares
Kellogg Hansen
Latham & Watkins
Leech Tishman
Mallery & Zimmerman
Miller Nash
MoloLamken LLP
Morgan Lewis

President Donald Trump's latest travel ban is set to go into effect Thursday, but questions remain about the new executive order, such as how liberally waivers will be issued and which countries might see their citizens blocked in the future. Here are four pressing questions about the new order.

Gorsuch Was Billing Juggernaut At DC Firm, Says Colleague

As a partner at a prominent D.C. corporate law firm, U.S. Supreme Court nominee Neil Gorsuch hit between 2,400 and 3,000 billable hours per year, according to a former colleague, who described Gorsuch as a "constitutionally hard-worker" when recounting the appellate judge's time in private practice at Kellogg Hansen Todd Evans & Figel PLLC.

Pa. Sens. To Keep Cooperating On Federal Bench Nominees

Pennsylvania's two U.S. senators said Friday they would continue their bipartisan process for identifying federal judicial nominees, even as they have apparently diverged with regard to U.S. Supreme Court nominee Judge Neil Gorsuch.

ENERGY & ENVIRONMENTAL

Exxon Used Fake Name On Tillerson Climate Emails: NY AG

New York Attorney General Eric Schneiderman on Monday accused ExxonMobil of hiding communications sent from ex-CEO Rex Tillerson with the email alias "Wayne Tracker," uncovered as part of its ongoing probe into the oil and gas giant's climate change knowledge.

DC Circ. Pauses EPA 2017 Biofuel Standards Challenge

The D.C. Circuit on Friday put on hold the American Petroleum Institute's challenge to the Environmental Protection Agency's 2017 renewable fuel volume requirements, saying the panel will first rule on another challenge to the agency's 2016 biofuel standards.

9th Circ. Should Say If Kids' Climate Suit Is OK: Industry

Industry groups on Friday asked an Oregon federal judge to certify her order and allow the Ninth Circuit to determine whether a lawsuit accusing the federal government of failing to protect future generations from the threat of climate change is barred by the political question doctrine, which forbids claims that are a matter of politics and not law.

McCain Asks EPA OIG For Info On Gold King Criminal Probe

Sen. John McCain on Monday asked the U.S. Environmental Protection Agency Office of the Inspector General to turn over information related to whether the EPA and Justice Department should pursue criminal charges against EPA employees involved in the Gold King Mine spill disaster.

Oklahoma House Approves Ending Wind Tax Credit In July

Oklahoma's House passed a controversial bill that eliminates tax credits for electricity generated by zero-emission facilities, such as wind turbines, four years earlier than expected.

Enviros Seek Quick Win In Suit Over FWS' Bison Range Plans

The Public Employees for Environmental Responsibility and nine retired National Wildlife Refuge System employees moved for a quick win Friday in their suit over the management of the National Bison Range, control over which the U.S. Fish and Wildlife Service is considering transferring to the Confederated Salish and Kootenai Tribes.

Morvillo Abramowitz

Nixon Peabody

Paul Weiss

Previant Law Firm

Ross Feller

Sandler Reiff

Seward & Kissel

Seyfarth Shaw

Shearman & Sterling

Sidley Austin

Slaughter and May

Susman Godfrey

Thompson Coe

Weil Gotshal

White & Case

WilmerHale

Zuckerman Spaeder

COMPANIES

Airbnb Inc.

America's Essential Hospitals

American Bar Association

American Civil Liberties Union

American Council of Life Insurers

American Federation of Labor and

Congress of Industrial

Organizations

American Medical Association Inc.

American Petroleum Institute Inc.

Ameriprise Financial, Inc.

BDO USA LLP

Bank of America Corporation

CPI Corporation

Consilio LLC

Cummins Inc.

DraftKings Inc.

Electronic Privacy Information
Center

Facebook

Financial Services Roundtable

Florida Immigrant Coalition

Goldman Sachs Group Inc.

Google Inc.

Hearst Corp.

HomeAway Inc.

Immigration Reform Law Institute

HEALTH & LIFE SCIENCES

Monsanto Can't Keep Glyphosate Off Calif. Cancer List: Court

A California state judge on Friday tossed Monsanto Co.'s lawsuit alleging a state agency has no authority to list the herbicide glyphosate, a key ingredient in the company's Roundup product, on a list of cancer-causing chemicals.

IP & TECHNOLOGY

USPTO Confirms Michelle Lee Remains Director

The U.S. Patent and Trademark Office confirmed Monday that Michelle Lee is still the director of the agency, ending weeks of uncertainty about the USPTO's leadership since President Donald Trump took office.

MEDIA & ENTERTAINMENT

Texas Sen. Looks To Legalize, Regulate Daily Fantasy Sports

A new bill introduced in Texas' Senate on Friday would legalize and regulate daily fantasy sports, possibly paving the way for a resolution to a contentious relationship between state officials and industry giants over questions of whether the practice constitutes illegal gambling.

TRANSPORTATION & INFRASTRUCTURE

Fliers Challenge FAA's Failure To Regulate Plane Seat Size

A passenger advocacy group challenging a Federal Aviation Administration decision to not set minimums on airline seat size argued to D.C. Circuit judges Friday that the agency needed to put up or shut up regarding airplane manufacturers' "secret" evacuation studies reportedly deeming current seat sizes safe.

GWB Scandal Sentencings Delayed Due To Snowstorm

The sentencings of two former public officials convicted in the George Washington Bridge lane-closing scandal have been postponed for two weeks as a result of a fierce snowstorm expected to hammer the New Jersey region on Tuesday.

REAL ESTATE

Judge Denies Injunction Bid In Chicago Airbnb Regs Dispute

An Illinois federal judge won't bar the city of Chicago from implementing a new ordinance regulating short-term home renting through sites like HomeAway or Airbnb, she said Monday, rejecting a motion for an injunction brought by a group of hosts who say the rules are unconstitutional.

EMPLOYMENT

NLRA Preempts Part Of Wisc. Right-To-Work Law, Judge Says

The provision of Wisconsin's right-to-work law that allows employers to stop collecting workers' union dues is preempted by the National Labor Relations Act, meaning a Wisconsin metal fabricator was out of line when it suddenly stopped collecting dues last year, a National Labor Relations Board judge ruled Friday.

Illinois Dems Take Latest Crack At \$15 Minimum Wage

Information Technology Industry Council

International Association of Machinists and Aerospace Workers

International Brotherhood of Teamsters

King Pharmaceuticals Inc.

Kinross Gold Corporation

Koch Industries Inc.

Litigation Counsel of America

Lyft Inc.

MGM Resorts International

Microsoft Corporation

Mohegan Sun

Monsanto Company

National Association of Manufacturers

National Corn Growers Association

National Right to Work Legal Defense Foundation

New York Times Co.

New York University

Oracle Corp.

Pfizer Inc.

PricewaterhouseCoopers

Redflex Traffic Systems

SIFMA

Sierra Club

Southern Poverty Law Center

The Hospital and Healthsystem Association of Pennsylvania

Thomson Reuters Corporation

Turner Broadcasting System Inc.

Twitter Inc.

U.S. Century Bank

U.S. Chamber of Commerce

Uber Technologies Inc.

United Auto Workers

United Steelworkers

Wal-Mart Stores Inc.

Washington Post Co.

GOVERNMENT AGENCIES

Bureau of Indian Affairs

California Environmental Protection Agency

Democrats in the Illinois General Assembly are again introducing legislation to raise the state's minimum wage to \$15 an hour, something lawmakers have repeatedly started then abandoned in recent years due to Republican pushback.

DOL Pick Acosta To Leave US Century Bank If Confirmed

Nominee for U.S. Department of Labor chief Alexander Acosta has pledged to relinquish his role as a top official at U.S. Century Bank if he is confirmed to lead the agency, according to recently released federal ethics documents.

Drivers Join Fight Over Seattle Uber, Lyft Unionization Law

Eleven independent drivers sued the city of Seattle in federal court Friday claiming its new ordinance allowing for-hire drivers for Uber, Lyft and other ride-hailing apps to unionize is unconstitutional and unfairly forces all drivers to comply with terms set by designated unions just to use the app.

Biz Groups Seek Emergency Stay On DOL Fiduciary Rule

Groups including the U.S. Chamber of Commerce have filed emergency motions in Texas federal court to block the Department of Labor's fiduciary rule a month before it's set to take effect, arguing that an injunction would prevent upheaval in the financial services industry and aid a Trump administration review.

INTERNATIONAL TRADE

EU, Southeast Asia Eye Broad Trade Deal

The European Union and the Association of Southeast Asian Nations have promised renewed efforts to hammer out a broad free trade agreement between the two regions, in addition to the one-country-at-a-time approach pursued since wider talks stalled nearly a decade ago.

US Procurement Market More Open Than Other Nations: GAO

The Government Accountability Office revealed Monday that the U.S. has opened its public procurement markets to foreign competition at a greater clip than many of its partners and stressed that much of the recordkeeping surrounding such government contracts must be dramatically improved.

China Ready To Intensify Dumping Methodology Battle At WTO

China will soon take its World Trade Organization case over the European Union's refusal to label Beijing a "market economy" in dumping probes to the next phase, documents released Friday show, and a nearly identical row with the U.S. may soon proceed on the same track.

TAX

Tax Execs Expect Congressional Conflicts To Slow Reform

Tax executives at major corporations are concerned that disputes within Congress will hold up the pace of progress on promises to overhaul federal tax laws from the House Republicans and President Donald Trump, according to survey results released Monday.

Tax Reform Needs To Benefit US Tech Cos., Panel Says

With tax reform a hot topic for the Republican-controlled Congress, a panel of experts from both the private and public sectors said Monday that now is the time to tackle what they called an outdated tax code that disadvantages U.S. tech companies competing in a global marketplace.

Confederated Salish & Kootenai Tribes
Congressional Budget Office
Department of Commerce
European Securities and Markets Authority
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Illinois General Assembly
Indian Health Service
Mashantucket Pequot Tribal Nation
Mohegan Tribe
Municipal Securities Rulemaking Board
NAFTA
National Labor Relations Board
Navajo Nation
New York Attorney General's Office
Oregon Department of Justice
Port Authority of New York & New Jersey
Securities and Exchange Commission
Southern Ute Indian Tribe
Transportation Security Administration
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives

IMMIGRATION

Injunction Applies To Resurrected Travel Ban, States Say

Washington state Attorney General Bob Ferguson officially asked a federal court on Monday to apply an injunction against President Donald Trump's first immigration ban, which barred immigrants from seven Muslim-majority nations, to a second, modified version of the executive order.

Iowa Rep. Introduces Bill To End EB-5 Visa Program

U.S. Rep. Steve King, an Iowa Republican who has made immigration crackdowns one of his signature issues, has introduced a bill to scrap the embattled EB-5 investor program amid attempts to reform it and accusations he posted a racist tweet.

Ranchers, DOL Fight Shepherds' Wage Floor Challenge

Ranchers' groups and the federal government on Friday opposed shepherds' bid for a quick win in their suit challenging a Department of Labor rule setting what they say is a too-low pay floor for long-term livestock workers on H-2A visas, with the agricultural associations saying the shepherds are attempting to destroy the livestock industry and the government saying they haven't identified a specific agency action to review.

Ban On 'Sanctuary' Policies Advanced By Florida Panel

Florida state lawmakers waded into the national immigration debate Monday, with a House panel advancing legislation to bar "sanctuary" policies and require state and local governments and law enforcement to cooperate with federal immigration enforcement such as detainment requests, or risk punishment and loss of funding.

NATIVE AMERICAN

Conn. AG Weighs Risks Over Tribes' Proposed 3rd Casino

Connecticut Attorney General George Jepsen told Gov. Dannel Malloy on Monday that authorizing a company co-owned by the tribes behind the Foxwoods Resort and Mohegan Sun casinos to operate a third one in the state would pose risks that are "not insubstantial and cannot be mitigated with confidence."

TELECOMMUNICATIONS

Trump-Pai Meeting Records Should Be Public, Group Says

The Electronic Privacy Information Center has asked the Federal Communications Commission for records on a meeting last week between President Donald Trump and FCC Chairman Ajit Pai, arguing Trump's comments on the media and a Republican push to overturn Obama-era privacy rules demonstrate an urgent public interest.

Senate Dems Push FCC's Pai On Trump's Media Comments

Senate Democrats on Friday slammed Federal Communications Commission Chairman Ajit Pai's refusal to rebuke at a hearing last week President Donald Trump's statements on the media, saying his answers to questions weren't transparent or reassuring that he will uphold reporters' First Amendment rights.

Oracle Urges FCC To Ax Privacy, Net Neutrality Rules

Oracle Corp. asked the Federal Communications Commission on Monday to reconsider privacy rules for internet service providers, change course on net

U.S. Immigration and Customs Enforcement

U.S. Office of Government Ethics

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

neutrality and end consideration of rules to promote set-top box competition, saying the company is optimistic about a new FCC approach.

FCC's O'Rielly Warns Of Burden In New Tower Marking Specs

Congress should consider "tweaking" a 2016 law that extended Federal Aviation Administration funding through September to amend a requirement that calls for expensive retrofits to tens of thousands of small- to medium-sized communications towers, Federal Communications Commission member Michael O'Rielly said Friday.

FCC Considers Eligibility Challenge Rules For Mobility Fund

The Federal Communications Commission on Monday asked for comments on the parameters of a process that would let municipalities and service providers challenge the eligibility determinations of those qualifying for subsidies during the second phase of the Connect America Fund's Mobility Fund.

EXPERT ANALYSIS

New Class Action Bill's Impact On Employment Cases

Last week, the U.S. House of Representatives passed the so-called "Fairness in Class Action Litigation Act" with the purpose of assuring "fair and prompt recoveries for class members" and diminishing "abuses in class litigation." In reality, the bill would make it harder for employees to join together to demand lawful treatment and reimbursement of unpaid wages, say William Jhaveri-Weeks and Raymond Wendell of Goldstein Borgen Dardarian & Ho.

Evaluating SEC Plan For New Municipal Issuer Disclosures

The U.S. Securities and Exchange Commission recently proposed amending Rule 15c2-12 to add to the list of event notices to be included in continuing disclosure undertakings. Municipal issuers, conduit borrowers, underwriters and other market participants should consider the potential unintended consequences, say attorneys with Nixon Peabody LLP.

What ACA Repeal Means For The Future Of Medicaid

Republican party leaders have long said they believe Medicaid is fiscally unsustainable and a spending cap is necessary to fix its finances. The American Health Care Act, introduced by Republican House leadership last week, finally puts those ambitions into official legislative language, says Miranda Franco of Holland & Knight LLP.

Rebuttal

Keeping Ethics Paramount In The Direct Selling Industry

Companies that sell goods and services through independent salesforces provide business opportunities to millions of Americans. And contrary to claims in a recent Law360 guest column, the industry's national trade group holds members to a code of ethics that protects customers and contractors from abuses, and protects the direct selling business from association with fraud, says Joe Mariano of the Direct Selling Association.

Settlement Strategy: What Does The Client Really Want?

The best outside counsel think like the client. That includes understanding the client's perspectives and goals with regard to reaching a settlement — because "good results" mean different things for different clients. Outside counsel must ask themselves the right questions, and know the answers, to shape a client-focused

settlement strategy, say Kate Jackson of Cummins Inc. and Patrick Reilly of Faegre Baker Daniels LLP.

LEGAL INDUSTRY

Legal Tech Download: Dentons' RegTech, LawGeex Funders

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

Dentons Lays Off 60 In The US In Consolidation Push

Global legal giant Dentons has laid off 60 support staff members in 22 offices across the U.S., the firm confirmed on Monday, as it continues to examine its business model more than a year after sealing its merger with McKenna Long & Aldridge LLP.

Chicago US Atty Resigns, Urges Feds To Continue Gun Work

U.S. Attorney for the Northern District of Illinois Zachary T. Fardon resigned Monday following an order from Attorney General Jeff Sessions, and used his exit to call on the U.S. Department of Justice to continue his office's focus on gun violence.

Dewey Witness Says CFO Was In On Accounting Fraud

The former head of finance at Dewey & LeBoeuf LLP told a Manhattan jury Monday that he discussed false accounting practices being used to prop up the firm with Chief Financial Officer Joel Sanders, who signed off on bogus documentation shown to auditors.

Ex-Hunton Atty's Tip Not Enough To Trade On, Jury Told

Attorneys for a former Hunton & Williams LLP patent litigator accused of passing on inside information about Pfizer's plans to acquire his client told a jury Monday that the tip was really an ambiguous statement that wasn't enough to trade on.

Jackson Lewis Joins Firms Offering Remote Work Option

Jackson Lewis PC will give associates and of counsel the option to work remotely in an effort to promote workplace flexibility, the firm announced Monday, joining the growing number of U.S. and U.K. firms offering out-of-office work opportunities.

Plaintiffs Bar Perspective: Susman Godfrey's Mark Wawro

For both sides, the most compelling case will be one that tells a good story. It's just harder for the defendant to set the stage for the story, says Mark Wawro of Susman Godfrey LLP.

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From: Public Policy Law360
Sent: Wednesday, February 15, 2017 5:30 AM
To: Rep93
Subject: FCC's Auction Outcome Is Victim Of Sky-High Expectations



PUBLIC POLICY

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Wednesday, February 15, 2017



TOP NEWS

FCC's Auction Outcome Is Victim Of Sky-High Expectations

The Federal Communications Commission crossed an important finish line in its broadcast incentive auction Friday as a phase of bidding ended, and experts say inflated revenue expectations stoked by the FCC are clouding a result that delivers on the goal of repurposing spectrum for wireless use.

Acting SEC Chair Signals Shift To Ease Disclosure Rules

Acting U.S. Securities and Exchange Commission Chairman Michael Piwowar has taken aim at certain thorny disclosures required by Dodd-Frank by inviting input on such rules for conflicts minerals and executive-pay ratios, steps that attorneys say could lighten the reporting regime for public companies as a deregulatory spirit gains momentum.

LAW FIRMS

Akin Gump
Baker Donelson
Baldwin Crocker
Bracewell
Bredhoff & Kaiser
Carlton Fields
Cohen Weiss
Cooley
Cravath Swaine
Davis Polk
Dechert
Dewey & LeBoeuf
Dorsey & Whitney
Foley & Lardner
Gibson Dunn
Hogan Lovells
Holwell Shuster
Hunton & Williams
Jenner & Block

McMahon Approved To Lead Small Business Administration

The Senate approved President Donald Trump's pick of wrestling magnate Linda McMahon to head the Small Business Administration in a bipartisan vote Tuesday.

Analysis

Flynn's Exit Could Stall Russia Sanctions Relief

The abrupt departure of National Security Adviser Michael Flynn amid allegations of improper contact with Russian officials has only added to the cascade of uncertainties surrounding the Trump administration and how aggressively it will move to dismantle sanctions on Moscow.

Sens. Issue Calls For Russia Probes After Flynn Steps Down

A bipartisan group of senators renewed calls Tuesday for a special congressional investigation into alleged Russian interference with the U.S. presidential election after National Security Adviser Michael Flynn resigned amid fallout from his dealings with Russian officials, while Democrats additionally called for a criminal probe.

Chicago Schools Sue Over 'Discriminatory' State Funding

Chicago Public Schools sued Gov. Bruce Rauner and the state of Illinois Tuesday, alleging the way in which the state funds public schools discriminates against the city's majority-minority population of public school children and violates state and federal civil rights laws.

Law Schools, Bar Group Denounce Trump Attacks On Judges

The blowback from President Donald Trump's criticisms of federal judges related to his executive order on immigration has not abated, with the International Bar Association and two law school deans recently excoriating the

Kaplan Kirsch
Kirkland & Ellis
Kreis Enderle
LaRocca Hornik
Latham & Watkins
Lewis Reed
Morrison & Foerster
Pepper Hamilton
Pierce Atwood
Ropes & Gray
Seward & Kissel
Shearman & Sterling
Simpson Thacher
Skadden
Sullivan & Cromwell
Willkie Farr
Zuckert Scoutt

COMPANIES
ASC Communications
AT&T Inc.
Aetna Inc.
America Fujikura Ltd.
American Bar Association
American Beverage Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
American Federation of State, County and Municipal Employees
American Petroleum Institute Inc.
American Thoracic Society
CVR Energy Inc.
Chevron Corporation
Computer & Communications Industry Association
Financial Services Roundtable
Goldman Sachs Group Inc.
Google Inc.

president's comments about judges and the judiciary.

BANKING & SECURITIES

Warren Asks About Lobbyists' Sway On Trump Bank Orders

Sen. Elizabeth Warren on Tuesday sent letters to the White House, the U.S. Department of Labor and the bankers' advocacy group Financial Services Roundtable asking whether government officials "inappropriately consulted" with banking industry lobbyists while developing President Donald Trump's recent executive order and memorandum on financial regulation.

Trump Signs Repeal Of SEC Payment Disclosure Rule

President Donald Trump on Tuesday signed off on legislation that nixed a U.S. Securities and Exchange Commission rule requiring oil and gas extraction companies to disclose their payments to foreign governments, marking the first time in 16 years that a president utilized the Congressional Review Act to overturn a predecessor's rule.

Yellen Rebutts Trump's Claim That Dodd-Frank Hobbled Banks

Federal Reserve Chair Janet Yellen said Tuesday that she plans to work with the Trump administration to see where regulations on banks can be eased, but took issue with the president's characterization that banks are not lending due to the Dodd-Frank Act.

Special Master Deals Fla. Loss In Water Fight With Ga.

A U.S. Supreme Court-appointed special master dealt Florida a loss Tuesday in its fight with Georgia over use of water from the Apalachicola-Chattahoochee-Flint River Basin when he recommended that the court deny Florida's request to cap its neighbor's water usage.

Human Rights Campaign
Humana Inc.
Icahn Enterprises L.P.
International Bar Association
International Swaps and Derivatives Association
Johnson & Johnson
Koch Industries Inc.
L-3 Communications Holdings Inc.
Lockheed Martin
National Basketball Association
National Collegiate Athletic Association
National Federation of Independent Business
National Public Radio Inc.
National Right to Work Legal Defense Foundation
National Women's Law Center
Natural Resources Defense Council
Oracle Corp.
Pacific Legal Foundation
Planned Parenthood Federation
SIFMA
The Boeing Company
The Coca-Cola Company
Time Inc.
Trump Organization Inc.
Twitter Inc.
U.S. Chamber of Commerce
United States Telecom Association
Verizon Communications
Washington Post Co.
Wells Fargo & Co.
World Wrestling Entertainment, Inc.

GOVERNMENT AGENCIES

CFTC Gives Dealers More Time On Swaps Rule

The U.S. Commodity Futures Trading Commission said Monday that it will give swaps dealers a grace period to come into compliance with new rules on swap collateral requirements, after multiple industry groups said they were struggling to meet the March 1 deadline.

ENERGY & ENVIRONMENTAL

Texas Wants 5th Circ. To Review EPA's Sulfur Dioxide Rule

Texas asked the Fifth Circuit on Monday to review a U.S. Environmental Protection Act final action that found parts of the state had too much sulfur dioxide in the air, saying the agency's move will cost the state money unnecessarily and is an example of regulatory overreach.

Senate Dems Push To Delay Pruitt Vote, Question Icahn Links

Democratic members of the Senate Environment Committee on Tuesday pushed to delay a confirmation vote for President Donald Trump's pick to lead the U.S. Environmental Protection Agency, saying they need to review a pending open records lawsuit against the nominee, while other Senate Democrats demanded more information on Carl Icahn's role in the Trump administration.

Feds Sued Over Endangered Bumblebee Protection Delay

The Natural Resources Defense Council sued the federal government on Tuesday over the suspension of a rule that would put the rusty patched bumblebee on the endangered species list, saying the government's delay of the listing's effective date denies the bee essential legal protection.

Colorado AG Sues Boulder County Over Oil Drilling Ban

Agricultural Marketing Service
Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Land Management
California Department of Food and Agriculture
California Natural Resources Agency
Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Defense Intelligence Agency
Department of Commerce
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Railroad Administration
Federal Reserve System
Fish and Wildlife Service
Florida Attorney General's Office
Florida Department of Environmental Protection
Illinois Supreme Court
Internal Revenue Service
National Economic Council
National Labor Relations Board
National Railroad Passenger Corporation
National Security Council

Colorado Attorney General Cynthia H. Coffman sued Boulder County on Tuesday for failing to lift its ban on oil and gas development even after the state's top court ruled that two other local governments had to get rid of similar moratoriums.

HEALTH & LIFE SCIENCES

Fla. Says Changed Rule Could End Challenge To Abortion Law

The state of Florida has notified a federal court of proposed rule amendments it says could resolve a lawsuit's claims of First Amendment rights violations in an abortion restrictions law by narrowing the scope and changing the nature of a registration requirement for counselors.

Humana To Scrap Remaining ACA Policies In 2018

Humana Inc. on Tuesday said it will halt participation in Affordable Care Act marketplaces next year, citing a mix of customers that remains too unhealthy and unprofitable.

IP & TECHNOLOGY

Rep. Issa Says Lee Still Running USPTO But May Be Moved

Michelle Lee is still leading the U.S. Patent and Trademark Office, but the Trump administration may be looking for a different position for her elsewhere in the government, Rep. Darrell Issa, R-Calif., reportedly said Monday amid uncertainty about who is serving as USPTO director.

MEDIA & ENTERTAINMENT

NJ Sens. Fail To Override Veto Over Icahn's Casino License

The New Jersey State Senate on Monday failed to garner enough votes to override Gov. Chris Christie's veto of legislation that would have

New Jersey Legislature
North Carolina Department of Transportation
North Carolina General Assembly
Northern Arapaho Tribe
Occupational Safety and Health Administration
Office of Foreign Assets Control
Oklahoma Attorney General's Office
Pennsylvania Supreme Court
Port Authority of New York & New Jersey
Securities and Exchange Commission
Small Business Administration
U.S. Air Force
U.S. Army
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United Nations

stripped billionaire Carl Icahn of his license to operate the defunct Trump Taj Mahal hotel and casino.

TRANSPORTATION & INFRASTRUCTURE

NJ Pushes Bill To Bar Port Authority From Aiding Travel Ban

New Jersey state legislators moved ahead Monday with a bill that would bar the Port Authority of New York and New Jersey from using any of its resources to implement President Donald J. Trump's executive order that called for a travel ban from seven predominantly Muslim countries.

DOT Overstepped With Rail Safety Order, DC Circ. Told

The U.S. Department of Transportation overstepped its authority when it issued an August 2016 order imposing new safety oversight and enforcement obligations on state entities that oversee intercity passenger rail service without proper public notice and comment, a pair of agencies told the D.C. Circuit.

DC Circ. Asked To Review Deal To Close Santa Monica Airport

General aviation groups asked the D.C. Circuit on Monday to review a settlement between the Federal Aviation Administration and Santa Monica, California, in their yearslong land title dispute over control of the Santa Monica Airport, saying the deal wrongfully allows the city to close the airport by 2029.

REAL ESTATE

San Francisco Urges 9th Circ. To Revive Rental Law Dispute

An attorney for San Francisco told the Ninth Circuit Thursday that a lower court was wrong to invalidate a since-revised housing law that forced landlords to pay massive sums to

tenants before taking their property off the market, telling a judge the ruling has hurt the city's ability to legislate future rent control measures.

EMPLOYMENT

Review Of NLRB Precedents In Order, House Panel Hears

Management and union lawyers clashed over the National Labor Relations Board at a U.S. House hearing Tuesday, with a Hunton & Williams LLP labor attorney saying the board needs to reconsider its Obama-era expansion of the joint employment standard and sped-up union elections and a labor lawyer testifying that criticism of recent agency actions is part of an effort to delegitimize unions.

Trump Blasts Media Co.'s Bid To Unseal 1998 Labor Deal

The Trump Organization Inc. and President Donald Trump slammed a bid by Time Inc. and The Reporters Committee for Freedom of the Press to unseal settlement documents that resolved Trump's 1998 dispute with a labor union, telling the Second Circuit that neither the First Amendment nor the common law right of access applies here.

Doctors, Int'l Science Org Back OSHA In Silica Rule Fight

An international scientific organization and an organization of occupation and environmental medical physicians have come out in support of the Occupational Safety and Health Administration's new rules on worker exposure to silica dust in several industries, telling the D.C. Circuit the regulations would reduce health impairments.

III. Gov. Sues To Block Employee Pay Cutoff Motion

The night before Gov. Bruce Rauner's annual budget address, Rauner late Tuesday filed an opposition to Illinois Attorney General Lisa

Madigan's motion to halt state worker pay amid Illinois' unprecedented budget crisis, urging a state judge to reject Madigan's "invitation to create an artificial emergency."

LGBT Groups Urge Trump To Keep Trans Student Policies

Four LGBT advocacy groups urged the Trump administration on Monday to preserve an Obama administration directive that public school students be allowed to use the restroom that matches their gender identity, saying it helps protect some of the nation's most vulnerable students.

PRIVACY & CONSUMER PROTECTION

USDA Recommends California Milk For Federal Pricing Order

California dairy producers who say they face an unfair marketplace disadvantage are moving closer to joining the U.S. Department of Agriculture's purchasing guidelines, with the USDA on Tuesday recommending that the state join the federal pricing system.

Cruz, Fellow Texan Unveil Bills To Kill CFPB

Texas lawmakers Sen. Ted Cruz and Rep. John Ratcliffe on Tuesday introduced legislation that would eliminate the Consumer Financial Protection Bureau as pressure mounts within Congress and the Trump administration on the federal consumer finance watchdog.

NC Gov. Floats New Plan For Bathroom Bill Repeal

North Carolina Gov. Roy Cooper on Tuesday offered his latest proposal for nixing the state's infamous law requiring transgender people to use public bathrooms and other facilities that correspond to the sex on their birth certificates, a plan that includes tougher penalties for crimes that occur in restrooms.

PRODUCT LIABILITY

Calif. State Senator Introduces Sugary Drink Labeling Bill

A California state senator has again proposed a bill that would require sugary beverages sold in the state to include health warning labels cautioning about the risk of obesity, diabetes and tooth decay, his office said Monday.

GOVERNMENT CONTRACTS

Lawmaker Tries To Block L-3's \$418M Aircraft Sale To Kenya

A GOP congressman proposed a resolution Tuesday to pump the brakes on L-3's \$418 million foreign military sale of border patrol aircraft to the Kenyan government, saying the sole-source contract unfairly excluded a competitor in his district and may have resulted from foul play.

INTERNATIONAL TRADE

Treasury Sanctions Venezuelan VP For Drug Trafficking Aid

The U.S. government has sanctioned Venezuela's second-in-command pursuant to the Foreign Narcotics Kingpin Designation Act for allegedly aiding international drug traffickers, the U.S. Department of the Treasury said in a statement Monday.

TAX

Ways and Means Chair Won't Seek Trump's Tax Returns

The Republican chairman of the House Ways and Means Committee announced on Monday that he would not demand to see President Donald Trump's tax returns, rejecting a bid from a Democratic lawmaker to seek review of the documents, according to media reports.

IRS Tax Certification Hurts CPAs, AICPA Tells Fed Circ.

An accounting trade group told the D.C. Circuit that a federal court erred in rejecting its challenge to a voluntary certification program for unlicensed tax return preparers, wrongly finding that its argument is not covered by the relevant law.

Taxpayers Lose Appeal For Equity On Foreclosed Properties

A group of taxpayers fighting to get the excess proceeds of sales after their properties were foreclosed by a Michigan county were dealt a second blow when a Sixth Circuit panel found that the lower court that ruled against them lacked jurisdiction in their case after all.

IMMIGRATION

Syrian Refugee Sues Trump Over Asylum Suspension

A Syrian man granted U.S. asylum after being tortured and targeted by radical fighters sued the federal government on Monday for halting, in response to President Donald Trump's immigration ban, a derivative asylum petition that could help his wife and child similarly escape the violence.

Trump Immigration Ban Blocked In Virginia

A Virginia federal judge on Monday blocked the government from enforcing the immigration ban on individuals from seven predominantly Muslim countries against people with ties to the Old Dominion, finding there is a likelihood that Virginia will win when it comes to its Establishment Clause claim.

NATIVE AMERICAN

BIA Asks 9th. Circ. To Nix Injunction In Contract Row

The Bureau of Indian Affairs urged the Ninth Circuit on Friday to undo a ruling that blocks the agency from approving contracts for two tribes that share a reservation in Wyoming but lack a

confederated government without receiving consent from both, saying it has already committed to doing so.

House OKs Bill Letting Texas, Okla. Set Red River Land Fate

Texas and Oklahoma could soon determine their own borders — and the fate of 30,000 acres claimed as federal land — if the Senate takes up a bill the House passed Tuesday to mandate the federal government accept a survey of the Red River commissioned by the states.

TELECOMMUNICATIONS

Reps Urge FCC To Undo Lifeline Eligibility Reversal

Several dozen House representatives urged Federal Communications Commission Chairman Ajit Pai on Monday to reconsider his decision to strip nine companies of eligibility to provide broadband service under the Lifeline program for low-income users, saying the move will hurt poor children and widen the digital divide.

Trade Group Asks FCC For More Broadband Build-Out Funds

The United States Telecom Association asked the Federal Communications Commission on Monday to increase funding levels for a broadband build-out support mechanism, saying that the priority of using it to deploy broadband in rural America means more funding is needed.

EXPERT ANALYSIS

Trump, Lockheed And The Art Of The Government Deal

President Donald Trump has made his federal procurement debut, announcing two weeks ago that Lockheed Martin agreed to cut \$600 million from its next production lot of F-35 Joint Strike Fighter planes. His tweets and negotiations

raise a slew of questions on how these tactics fit into the densely regulated field of government contracts, say attorneys with Pepper Hamilton LLP.

Overcoming Obstacles To Financial Reform And Deregulation

Creating a list of industry-endorsed reforms is perhaps the easiest task to complete when attempting to ease financial regulatory burdens. However, sorting through and identifying realistic, achievable regulatory reforms at the agency level will prove much more difficult and vexing because of the complexity of current agency interconnectivity, says Joseph Lynyak III of Dorsey & Whitney LLP.

Gorsuch May Further Tip Balance Against Deference To EPA

From an environmental law perspective, Judge Neil Gorsuch has shown a willingness to reassess Chevron deference to an agency's interpretation of the statutes it implements. If confirmed to the U.S. Supreme Court, he could fan further interest in revisiting Chevron deference at a time when the court is actively considering what deference is due an agency when it interprets its own regulations, say attorneys with Bracewell LLP.

FERC Could See Substantial Changes Under President Trump

The Federal Energy Regulatory Commission oversees electric utilities and gas pipelines that account for about 4 percent of the U.S. gross national product. So the impact of FERC policy shifts can be significant. Under the Trump administration, FERC could revisit its stances on market manipulation, net metering and other key issues, say John Estes III and Timothy Mastrogiacomo of Skadden Arps Slate Meagher & Flom LLP.

LEGAL INDUSTRY

Analysis

Firm Leaders' Bullish View On Demand Met With Skepticism

Law firm leaders believe 2017 could be the year the sector reverses the tide of stagnant demand it has been plagued by in recent years, a January report found. Here, industry experts examine how realistic those predictions are and what factors could kick-start billable hours.

Akin Gump's Profits Per Partner Jumped Nearly 10% In 2016

Akin Gump Strauss Hauer & Feld LLP's global profits per partner jumped by 9.6 percent between 2015 and 2016, surpassing \$2 million each, the firm said Tuesday.

Banks Lavished Dewey With High Debt Offers, Jury Hears

A Wells Fargo executive on Tuesday told jurors in the second trial of former leaders of Dewey & LeBoeuf LLP of internal concerns at the bank over the amount of debt the law firm was taking on in the early years after its inception, while juror problems continued to plague the proceeding.

JOBS

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Thursday, February 16, 2017



TOP NEWS

Analysis

Next Solicitor General Can Expect Tough Road Under Trump

President Donald Trump's pick for the usually coveted position of solicitor general should expect an unusually rocky tenure, experts say, given the legal battles already underway, criticisms the president has heaped on the judiciary and the likely difficulty of dissuading a president who shoots from the hip from pursuing untenable legal positions.

Puzder Out Of Running For Labor Secretary

Fast-food executive Andrew Puzder took himself out of consideration Wednesday to serve as President Donald Trump's labor secretary one day before his scheduled confirmation hearing as reports circulated that he lacked enough support from Senate Republicans.

LAW FIRMS

Akerman
Arent Fox
Arnold & Porter Kaye Scholer
Boies Schiller
Brownstein Hyatt
Chiesa Shainian
Cooper & Kirk
Covington & Burling
Davis Wright Tremaine
Debevoise & Plimpton
Denton Navarro
Dentons
Dickinson Wright
Earthjustice
Epstein Becker Green
Faegre Baker
Foley & Lardner
Fowler White Burnett
Frost Brown Todd

House Republicans Announce Their Own ACA Replacement

The conservative U.S. House Freedom Caucus on Wednesday unveiled proposed legislation to replace the Affordable Care Act and officially endorsed a full repeal of Obamacare while promising to support the proposed replacement as a companion bill to one already in the Senate.

Sen. McConnell Leaves 'Nuclear Option' Open On Gorsuch

The Senate Majority Leader on Wednesday kept the line open for using the so-called nuclear option — changing Senate rules — and also backed President Donald Trump Supreme Court nominee Judge Neil Gorsuch's earlier comments on the independent judiciary.

Mattis Voices NATO Support, Says Members Must Chip In

Defense Secretary Jim Mattis Wednesday, in his first meeting with NATO counterparts since officially joining the Trump administration, reaffirmed U.S. commitments to the alliance while signaling the Trump administration would push member states to increase their monetary support.

Analysis

5 Key Takeaways From Trump's ACA Stabilizer Rule

The Trump administration's plan to stabilize Affordable Care Act markets by easing oversight of provider networks and limiting enrollment periods will strengthen insurers that are already doing fairly well but likely prove too modest for others, experts say. Here are five takeaways on how an eagerly awaited regulation will play out

GOP Lawmaker Takes Aim At FCC Privacy Rules

U.S. Sen. Jeff Flake is planning to introduce legislation that would roll back the Federal Communications Commission's new broadband

Goodwin
Greenberg Traurig
Hall Estill
Hunton & Williams
Jones Day
K&L Gates
Lewis Brisbois
Marashlian & Donahue

Massey & Gail
Mayer Brown
Moye White
Perkins Coie
Priddy Cutler
Stradley Ronon
Sullivan & Cromwell
Tucker Law Group
Wachtell Lipton
Wiley Rein

COMPANIES

AARP Inc.
Allergan PLC
Amazon.com Inc.
America Fujikura Ltd.
America's Health Insurance Plans
American Bar Association
American Cable Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
Apple Inc.
AutoZone, Inc
Avalere Health LLC
Bank of America Corporation
Best Buy Co.
Boyd Gaming Corporation
CKE Restaurants, Inc.
CTIA

privacy rules, which give consumers opt-in options for the sharing of certain user information, the Arizona Republican confirmed Wednesday.

Trump Budget Pick Heads To Final Senate Vote

The Senate is moving closer to a final vote on President Donald Trump's head budget officer after Rep. Mick Mulvaney R-S.C., passed a key procedural hurdle on Wednesday.

Retailers Meet With Trump Amid Tax Reform Concerns

President Donald Trump and Vice President Mike Pence Wednesday met with members of the Retail Industry Leaders Association at the White House for a listening session on tax reform and other concerns facing the industry, according to a White House press pool briefing.

BANKING & SECURITIES

Fed Chair Says Rulemaking Calendar Is 'Relatively Light'

Federal Reserve Chair Janet Yellen said on Wednesday that the central bank does not have plans to move forward any major regulations while President Donald Trump's regulatory freeze remains in place even though executive orders do not apply to independent regulatory agencies.

SEC Urged To Preempt States To Boost Reg A+ Liquidity

A legal expert told a U.S. Securities and Exchange Commission advisory committee Wednesday that the SEC should use its rule-making authority to preempt state regulations that restrict secondary trading of shares of small companies that raise capital under the newly expanded Regulation A exemption, thus boosting liquidity.

IPOs Dwindle As Need To Go Public Becomes Less Urgent

Calpine Corporation
Center for Biological Diversity Inc.
Cisco Systems Inc.
Computer & Communications Industry Association
Dynegy Inc.
Equifax Inc.
Ernst & Young
Exelon Corporation
Experian
Facebook
Financial Industry Regulatory Authority Inc.
Google Inc.
Information Technology Industry Council
International Brotherhood of Teamsters
International Business Machines Corporation
J.C. Penney Company Inc.
JPMorgan Chase & Co.
Jack In The Box Inc.
Koch Industries Inc.
MGM Resorts International
Microsoft Corporation
Mobilite LLC
Morgan Stanley
NASDAQ OMX Group Inc.
NRG Energy Inc.
PJM Interconnection LLC
Pfizer Inc.
Talen Energy Corp.
Tax Foundation
The Gap Inc.
Tractor Supply Company
TransUnion LLC
Turner Broadcasting System Inc.
Twilio Inc.

The rising costs of going public, new regulations that make it easier to stay private and growing options for raising private capital are leading factors causing more companies to delay or cancel initial public offerings, experts told a U.S. Securities and Exchange Commission committee Wednesday.

ENERGY & ENVIRONMENTAL

Watchdog Says Okla. AG Withholding Thousands Of Emails

A media watchdog group on Tuesday said that Oklahoma Attorney General Scott Pruitt, who is President Donald Trump's pick to lead the U.S. Environmental Protection Agency, is improperly withholding documents related to his office's interactions with fossil fuel industry players.

Senate Gets Ball Rolling To Amend The ESA

The Senate Environment Committee on Wednesday explored the possibility of amending the Endangered Species Act, with Republicans criticizing it as being unresponsive to state and local concerns and lacking flexibility to remove protections for an animal or plant once it has recovered.

III. Nuke Plant Subsidies Flout FERC, Power Cos. Say

A power producer coalition on Tuesday sued to overturn Illinois' plans to subsidize two struggling nuclear power plants in an echo of similar litigation launched against nuclear subsidies offered by New York state, claiming the incentives usurp the Federal Energy Regulatory Commission's exclusive authority over wholesale electricity markets.

10 State AGs Urge Senate To Reject Vessel Discharge Bill

New York Attorney General Eric T. Schneiderman and nine other state attorneys general called on U.S. Senate leaders Wednesday to reject legislation they say would

Twitter Inc.
U.S. Chamber of Commerce
United States Telecom Association
Verizon Communications
Walgreen Co.
ZestFinance Inc.

GOVERNMENT AGENCIES
Buena Vista Rancheria of Me-Wuk Indians
California Environmental Protection Agency
Centers for Medicare & Medicaid Services
Congressional Budget Office
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Illinois Supreme Court
Internal Revenue Service
International Maritime Organization
NATO
National Institute of Standards and Technology
National Labor Relations Board
National Marine Fisheries Service
National Security Agency

dramatically weaken states' authority to protect waterways against pollution from commercial shipping vessels.

Flake Plan Provides For Ariz., NM Role In Mexican Gray Wolf

Republican Arizona Senators Jeff Flake and John McCain reintroduced the Mexican Gray Wolf Recovery Plan Act on Tuesday, which would give New Mexico and Arizona a larger stake in the management of an animal on the endangered species list.

Enviro, Utilities Clash Over EPA Mercury Rule Challenges

Environmentalists and utilities on Tuesday swapped dueling briefs in D.C. Circuit litigation over the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants, with each side accusing the other of recycling arguments that have been rejected by the agency and the courts.

Endangered Species Case Won't Move From DC To Minn.

An Endangered Species Act case will not be transferred from D.C. to Minnesota federal court, a judge ordered Tuesday when deciding in favor of environmental groups accusing the U.S. Forest Service and other federal agencies of sidestepping a review requirement in approving mine and highway projects that could harm animals in Minnesota's Superior National Forest.

HEALTH & LIFE SCIENCES

Feds Float ACA Market Stabilization Rule

Federal regulators on Wednesday floated highly anticipated policies for stabilizing Affordable Care Act marketplaces, including tighter enrollment periods, slimmer benefits and more leeway for states to oversee provider networks.

New York Attorney General's Office
North Carolina Wildlife Resources Commission
Securities and Exchange Commission
Small Business Administration
Social Security Administration
U.S. Coast Guard
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Veterans Affairs
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Forest Service
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court

House OKs Measure To Widen Drug Testing For Unemployed

The House of Representatives paved the way for an increase in state-based drug testing for unemployment benefits Wednesday, passing a resolution to undo an Obama-era rule that allowed such testing in only narrow categories.

MEDIA & ENTERTAINMENT

Ex-State Sen. Asks Texas High Court To Nix Radio Ad Suit

Former state Sen. Bob Deuell has asked the Texas Supreme Court to review a lower court's decision allowing an anti-abortion group's lawsuit against him — alleging that his actions got their radio ads taken off the air — to proceed, arguing that the group hadn't met the minimum evidence standards required.

Philly Controller Wants End To 'Slush Fund' Defamation Suit

The attorney for Philadelphia's city controller asked a state court judge Wednesday to toss a former city official's suit that claimed she was defamed in reports about a so-called slush fund involving money from the city's marathon, saying he and another defendant had immunity as "high public officials."

REAL ESTATE

NJ Developer Loses Appeal Over Application Timing Rule

The New Jersey Appellate Division has said a developer is not protected by a rule requiring a municipality to follow regulations in place at the time of an application because the business did not submit every required document, marking the first time a state court defined an application entitled to such protection.

EMPLOYMENT

GOP Votes To Repeal DOL Rules On State Retirement Plans

Republicans in the U.S. House of Representatives on Wednesday voted to repeal two recent U.S. Department of Labor rules that allow states and some municipalities to help workers without employer-sponsored retirement plans invest in state-run accounts.

EEOC Slows Rule On Affirmative Action Rule For Disabled

The U.S. Equal Employment Opportunity Commission said Wednesday that it will impose a two-week delay of its regulations boosting federal agencies' hiring goals for individuals with disabilities and enhancing support services for those workers, citing a Trump administration directive to slow rules that haven't yet taken effect.

Rauner Asks For Pension Reform, Power To Cut Ill. Budget

Illinois Gov. Bruce Rauner offered state lawmakers a spending plan Wednesday that he repeatedly called "balanced" but that relies on filling a \$4.5 billion hole with measures requiring cooperation from the same legislature at a budget impasse for an unprecedented 20 months.

Ky. County Tells 6th Circ. Not To Rethink RTW Ruling Appeal

A county in Kentucky urged the Sixth Circuit on Wednesday to reject a request by a group of Kentucky unions, including chapters of the AFL-CIO, to rehear en banc a case challenging a local right-to-work ordinance.

PRIVACY & CONSUMER PROTECTION

CFPB Contemplates Using Alternative Data In Credit Scores

The Consumer Financial Protection Bureau on Thursday announced plans to look into whether using so-called "alternative data" like rent and utility payments for credit scoring could make it

easier for millions of Americans to get access to mortgages and other credit.

Tech Groups Call For Balance In Foreign Spying Renewal Push

A coalition of tech industry groups on Wednesday pushed congressional leaders to work together to come up with a "balanced yet focused" approach to replacing a controversial foreign internet surveillance program that is expiring at the end of the year.

GOVERNMENT CONTRACTS

NJ Ordered To Defend Atlantic City Layoffs, Contract Changes

A New Jersey state judge has ordered state officials to appear in court later this month in a lawsuit brought against them by the union representing Atlantic City firefighters and address whether the officials should be restrained from laying off firefighters and implementing changes to their contract.

GAO Targets 34 Areas Of Concern In Federal High Risk List

The U.S. Government Accountability Office released a new list of "high risk" federal programs particularly susceptible to fraud, abuse or mismanagement on Wednesday, adding various Native American programs, environmental liabilities and the upcoming census to the list while removing programs for managing terrorism-related information.

INTERNATIONAL TRADE

Border Adjust Tax Will Have Limited Trade Impact, Report Says

The House Republicans' proposed tax on imports will have a limited long-run economic impact if any at all, according to a Tax Foundation report released Wednesday, which noted that while the approach provides no

expected trade-related gains, it has the advantage of limiting tax avoidance.

TAX

US Wants New Shot At Inversion Rule If It Loses Challenge

The U.S. government asked a Texas federal court on Wednesday to consider sending a tax rule meant to combat corporate inversions back to the U.S. Treasury Department rather than vacating it if the U.S. Chamber of Commerce's challenge of the rule is successful.

NJ, MGM Resorts Ink \$72M Deal Over Property Tax Appeals

New Jersey officials on Wednesday announced a deal to pay \$72 million to MGM Resorts International to resolve outstanding property tax appeals filed by the company's Borgata Hotel Casino & Spa in Atlantic City, saying the move would save taxpayer dollars as the state oversees the fiscal recovery of the struggling resort town.

Colo. Gov. Downplays Harm Of Taxpayer Rights Bill, Court Told

Opponents to Colorado's Taxpayer Bill of Rights slammed Gov. John Hickenlooper's bid to toss their suit, telling a federal court Tuesday that the governor has mischaracterized the measure to play down the harm it has caused state political subdivisions and others.

IMMIGRATION

House Resolution Slams Judge Who Blocked Travel Ban

Rep. Steve King, R-Iowa, has introduced a resolution to the U.S. House of Representatives criticizing the actions of a federal judge and an appeals court that obstructed the enforcement of President Donald Trump's Jan. 27 immigration ban.

Texas AG Backs Trump Immigration Ban In 9th Circ.

Texas Attorney General Ken Paxton threw his support behind President Donald Trump's immigration ban on Wednesday when he urged the Ninth Circuit to reconsider last week's decision upholding a block on the executive order, citing the president's powers to protect national security.

NATIVE AMERICAN

Calif. County Can Fight Tribal Casino, DC Circ. Told

A California county has urged the D.C. Circuit to allow it to challenge a U.S. Department of the Interior decision backing a proposed tribal casino, arguing that it had retained the right to oppose the project.

TELECOMMUNICATIONS

Analysis

FCC's Lifeline Backtrack Foreshadows Program Changes

The Federal Communications Commission under the leadership of new Chairman Ajit Pai has set off a firestorm of controversy by revoking the eligibility of several companies to provide Lifeline broadband services, and experts say recent FCC action suggests the commission will seek to change Obama-era program updates.

Wireless Group Urges FCC To Clear Local Roadblocks For 5G

Wireless trade group CTIA has pushed the Federal Communications Commission to move forward with a proposal to clear the way at the state and local level for 5G infrastructure, also pushing for spectrum to meet wireless demand and against a proposal to subject text messaging to more stringent regulation.

Small Telecoms Decry FCC's Proposed 'Flash Cuts'

A group of regional telecom companies told the new head of the Federal Communications Commission on Tuesday that his plan to cut subsidies they receive for reaching rural customers and redirect the funds toward areas without wireless broadband would do more harm than good.

PEOPLE

SEC Chair Mary Jo White Returns To Debevoise & Plimpton

After nearly four years as chair of the U.S. Securities and Exchange Commission, Mary Jo White will once again return to Debevoise & Plimpton LLP, this time as senior chair of the firm, Debevoise announced on Wednesday.

EXPERT ANALYSIS

Game Clock Running Down, NLRB GC Turns To The Crowd

National Labor Relations Board general counsel Richard Griffin's recent report discussing the rights of university faculty and students speaks not to the board, but instead to employers, labor unions and employees, and is being used as a novel, last-ditch attempt to use the court of public opinion to bolster changes Griffin oversaw during his tenure, says Ryan Funk of Faegre Baker Daniels LLP.

A New Element In Awarding Calif. Public Works Contracts

Legislation recently proposed in California would require the disclosure of greenhouse gas emissions generated by the manufacture of certain "eligible materials" for public works projects. If passed, it could have the biggest effect on companies that manufacture construction materials, especially cement, flat glass, manufactured wool, steel and asphalt, say attorneys with Arnold & Porter Kaye Scholer LLP.

How A General Counsel Should Think About AI

Though the Trump administration has yet to make an official statement regarding artificial intelligence, support for AI is consistent with its expressed desire to promote American business. As such, general counsel will inevitably have to navigate what big data and AI mean for compliance with current and future laws and regulations, say Bruce Heiman and Elana Reman of K&L Gates LLP.

A Rule Against Pretext, Taken Out Of Context

An attorney who negotiates a serial killer's surrender is suspended from legal practice. A highly successful investigative unit that protects children from internet predators is shut down. These are the results of an overly dogmatic approach to the Colorado Rules of Professional Conduct, which prohibit lawyers from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation," says Charles Luce of Moye White LLP.

When And Where Punitive Damages Are Insurable: Part 2

There is no substitute for a well-drafted, ironclad insurance policy, so it is imperative that insurers either expressly exclude punitive damages in actual policies, or unambiguous, limiting language if the agreement is to cover punitive damages, says Rory Jurman of Fowler White Burnett PA.

LEGAL INDUSTRY

Analysis

How To Stand Out In A Large Law Department

In large law departments, in-house counsel who don't distinguish themselves are doomed to languish unnoticed among the masses. Here's how to make an impression with general

counsel and other company leaders to move up the ranks.

My Strangest Day In Court: When My Expert Had A Meltdown

As I was going through one of the plaintiff's claims — post-traumatic stress disorder — with my expert witness, the good doctor could not even recall the elements of the disorder! Then, suddenly, he pointed his finger at a young juror, remembers Esther Holm of Lewis Brisbois Bisgaard & Smith LLP.

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Subject: Press statement: Nomination of Acosta for Secretary of Labor a likely improvement

Policy Matters Ohio

For immediate release
Contact Hannah Halbert
614.397.6080

Nomination of Acosta for Secretary of Labor a likely improvement

Vetting needed, but new nominee appears friendlier to workers

After the failed nomination of Andrew Puzder for Secretary of Labor, the Trump administration put forward Alexander Acosta, dean of the Florida International University College of Law and former assistant attorney general for the Civil Rights Division under President George W. Bush. Policy Matters Ohio sees this move as a step in the right direction for working people.

"Rigorous vetting is still needed but unlike Puzder, Acosta does not appear to be a nominee bent on dismantling the institution he is set to lead," said Hannah Halbert, researcher with Policy Matters Ohio. "The Department of Labor must be dedicated to welfare and safety of wage-earners. Not their bosses."

Ohioans value worker rights. The state overwhelmingly voted down laws that sought to restrict collective bargaining and voted in support of a state constitutional amendment that increased and indexed the minimum wage. As hearings begin, working people of Ohio will want to know where Acosta stands on these issues. Policy Matters will look for evidence that Acosta will work for safe and healthy workplaces, more and better jobs, and a better life for working people in Ohio and the United States.

[Read press statement online](#)

###

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Friday, February 17, 2017



TOP NEWS

Analysis

Smoother Road To Confirmation Seen For New DOL Chief Pick

President Donald Trump's nomination of former U.S. Attorney Alex Acosta to head the U.S. Department of Labor drew praise from management-side attorneys who believe he will adhere to the administration's less aggressive regulatory posture, while also garnering cautious optimism from unions who see his past public service as a sign he will dutifully enforce labor laws.

Mulvaney Gets Senate Approval As Trump Budget Officer

The Senate has approved President Donald Trump's pick for his top budget office, putting conservative Rep. Mick Mulvaney, R-S.C., at the head of the office responsible for the federal budget and managing many agencies.

Analysis

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DLA Piper
Dewey & LeBoeuf
Dowd Bloch
Epstein Becker Green
Faegre Baker
Farella Braun
Fisch Sigler
Gibson Dunn
Goodwin
Hall Estill
Holland & Knight
Hueston Hennigan

Ex-DOJ Immigration Head: Travel Order Case A 'Close Call'

Leon Fresco, the former head of the government's Office of Immigration Litigation, dove into a range of hot-button topics in recent discussions with Law360, saying it was a "close call" whether the current version of the president's travel ban would be able survive court review.

Trump EPA Pick Pruitt Advances In Senate

Trump's choice to lead the Environmental Protection Agency has been set up for a final Senate vote, as Oklahoma Attorney General Scott Pruitt cleared a procedural vote Thursday.

9th Circ. Pauses Immigration Ban Suit At Trump's Request

Ninth Circuit Chief Justice Sidney R. Thomas late Thursday agreed to pause en banc proceedings over President Donald Trump's challenge of an order blocking the implementation of his immigration ban after the administration requested a freeze on the proceedings as it preps a new executive order.

House Acts To Clear Way For Planned Parenthood Defunding

The House passed a resolution Thursday to make it easier for states to defund Planned Parenthood, disapproving a federal rule that restricts states' ability to direct funding to the women's health care provider.

FCC's Pai Wants To Cut 'Red Tape' For Radio

Federal Communications Commission Chairman Ajit Pai said Thursday that he will not neglect radio during his chairmanship, pushing for modernized rules and the activation of smartphone FM chips to let users listen to radio over-the-air, though without a regulatory mandate.

Jackson Lewis
Jenner & Block
Jones Day
K&L Gates
Kirkland & Ellis
Laddey Clark
Mayer Brown
Nicoletti Hornig
O'Melveny & Myers
Ogletree Deakins
Patterson Belknap
Paul Hastings
Potter Minton
Prince Lobel
Quinn Emanuel
Ropes & Gray
Schiff Hardin
Seward & Kissel
Shapiro Haber
Skadden
Spector Gadon
Sullivan & Cromwell
Terrell Hogan
Weil Gotshal
Weiner Brodsky
White and Williams
Wilentz Goldman

COMPANIES

Alliance Defending Freedom
Amazon.com Inc.
America Fujikura Ltd.
American Bar Association
American Civil Liberties Union
American Commercial Lines Inc
American Federation of Labor and Congress of Industrial Organizations

Acting SEC Chair Curbs Enforcement Staff's Power

Acting U.S. Securities and Exchange Commission Chair Michael Piwowar has curtailed some powers of the agency's enforcement staff dating from the financial crisis, according to multiple media reports.

BANKING & SECURITIES

DC Circ. Agrees To Rethink SEC Judges' Constitutionality

The D.C. Circuit agreed Thursday to vacate a panel's finding that the U.S. Securities and Exchange Commission's in-house judges don't need presidential appointment and to rehear the case before the entire court, taking another look at an issue that has split circuits.

Euronext Says New Platform Shields From High-Speed Traders

European stock exchange operator Euronext said Wednesday it will partner with a U.S. financial technology company and launch a block-trading platform designed to enable investors to execute large orders without tipping their hat toward high-frequency traders

ENERGY & ENVIRONMENTAL

More Ex-EPA Employees Pile On Anti-Pruitt Bandwagon

The number of former U.S. Environmental Protection Agency employees opposed to the confirmation of Oklahoma Attorney General Scott Pruitt as EPA administrator has risen to more than 700, the Environmental Integrity Project said Thursday.

EPA Re-Floats Uranium Mine Rule, Yanks 30-Year Monitoring

The U.S. Environmental Protection Agency on Thursday re-proposed a rule imposing new health and environmental protection regulations for uranium ore extraction, and removed a requirement that mine operators monitor

American Federation of State, County and Municipal Employees

American Federation of Television and Radio Artists

American Insurance Association

CH Energy Group Inc.

CKE Restaurants, Inc.

Center for Biological Diversity Inc.

Comcast Corporation

ConAgra Foods, Inc.

Conservation Law Foundation

Devon Energy Corporation

Dr. Reddy's Laboratories Limited

Energy Transfer Partners, L.P.

Florida Bar Association

Fortress Investment Group LLC

Google Inc.

Helsinn Healthcare SA

Humane Society of the United States

Intellectual Ventures

International Union Of Operating Engineers

Koch Industries Inc.

Lockheed Martin

London Stock Exchange Group PLC

Lyft Inc.

McDonald's Corporation

NBCUniversal Inc.

National Association of Insurance Commissioners

National Association of Mutual Insurance Companies

National Rifle Association of America

New York State Bar Association

New York Times Co.

Occidental Petroleum Corporation

PHH Corporation

groundwater for 30 years after demonstrating that the groundwater chemistry is restored and stable.

EPA Cleared From Suit Over Fla. Water Quality Requirements

A Florida federal judge on Wednesday tossed a lawsuit accusing the U.S. Environmental Protection Agency of failing to correctly evaluate water quality requirements for Florida's waterways, a decision that came two years after the judge tossed a similar suit from the same environmental group.

FWS Released From Lawsuit Over Permit For Lynx Capture

The U.S. Fish and Wildlife Service was released from a lawsuit Wednesday brought by environmental and animal welfare groups suing it for issuing the state of Maine a permit that allowed the accidental capture of a threatened lynx species, with a federal judge finding that the service had a rational basis to issue the permit.

EPA Nominee Ordered To Hand Over Docs To Watchdog

An Oklahoma judge on Thursday ordered Scott Pruitt, President Donald Trump's nominee to lead the U.S. Environmental Protection Agency, to turn over to a watchdog group nearly 3,000 emails that purportedly reveal his ties to the fossil fuel industry, the group said.

Resolution Nixing Alaska Hunting Rule Clears House

Alaskan hunters could soon have more tools at their disposal again, after the House passed a measure on Thursday aimed at a federal rule limiting hunting practices on federal lands in the state.

Trump Inks Revocation Of Stream Protection Rule

President Donald J. Trump on Thursday signed a bill revoking a U.S. Department of the Interior

Planned Parenthood Federation
San Antonio Spurs
Sierra Club
SoftBank Group Corp.
Speedway LLC
Stepan Co.
The Boeing Company
Toshiba
U.S. Chamber of Commerce
Uber Technologies Inc.
United Brotherhood of Carpenters
Wal-Mart Stores Inc.

GOVERNMENT AGENCIES
Army Corps of Engineers
Bureau of Land Management
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Fish and Wildlife Service
Florida Attorney General's Office
Florida Department of Environmental Protection
Government Accountability Office
Idaho Legislature
Illinois Supreme Court
Immigration and Customs Enforcement
International Trade Commission
NAFTA
National Labor Relations Board
National Railroad Passenger Corporation

rule aimed at minimizing coal mining's harm to surface water and groundwater, the second energy-related rule crafted by the Obama administration that's been killed through use of the Congressional Review Act.

HEALTH & LIFE SCIENCES

11th Circ. Strikes Down Fla. 'Gun Gag' Law

The Eleventh Circuit on Thursday struck down much of a Florida law curbing doctors from asking patients about firearm ownership, ruling that the "gun gag" law violates the First Amendment by impermissibly restricting physician speech.

Trump's CMS Pick Says Medicaid 'Doesn't Work Well'

The Trump administration's likely leader of the Centers for Medicare and Medicaid Services on Thursday sharply criticized Medicaid as rigid and underperforming, signaling that states will get more leeway to overhaul their programs.

Fla. High Court Blocks Enforcement Of Abortion Delay Law

The Florida Supreme Court reinstated a temporary injunction blocking a state law requiring women to wait 24 hours after an initial doctor's visit before obtaining an abortion, ruling Thursday that the abortion rights groups had shown they would likely succeed on the merits.

TRANSPORTATION & INFRASTRUCTURE

Uber Looks To Consolidate 4 Suits By Boston Taxi Cos.

Uber Technologies Inc. on Thursday asked a Massachusetts federal court to consolidate four cases brought by 265 local taxi companies accusing Uber of operating illegally in Boston and competing unfairly by not complying with local taxi ordinances.

New Jersey Attorney General's Office

Office of Surface Mining Reclamation and Enforcement

Port Authority of New York & New Jersey

Securities and Exchange Commission

Shoshone-Bannock Tribes

Small Business Administration

Social Security Administration

Standing Rock Sioux Tribe

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Consumer Product Safety Commission

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Supreme Court

Washington Attorney General's Office

Long-Term Surface Transpo Funding Fix Needed, Says GAO

The Government Accountability Office said Wednesday that Congress' failure to lock down a sustainable long-term plan to pay for U.S. surface transportation upgrades continues to be a "high-risk" public policy area that lawmakers must tackle.

NJ Judge Again Finds Probable Cause In Christie GWB Case

A New Jersey judge on Thursday again found probable cause in an activist's criminal complaint accusing Gov. Chris Christie of official misconduct over politically motivated lane closures at the George Washington Bridge, sending the matter to prosecutors who have already said they won't pursue charges against the governor.

Port Authority OKs \$32.2B Capital Plan For Transpo Projects

The Port Authority of New York & New Jersey on Thursday signed off on a \$32.2 billion, 10-year capital plan, advancing plans to fund a new bus terminal on Manhattan's west side, the long-awaited third tunnel under the Hudson River, and the ongoing redevelopment of LaGuardia Airport.

INSURANCE

House Lawmakers Seek Clarity On US-EU Insurance Pact

A U.S. House panel on Thursday pressed for more clarity on a new bilateral agreement between the U.S. and European Union designed to place insurers and reinsurers in the two jurisdictions on equal footing, as regulators and insurance trade groups presented wildly divergent views on the pact.

EMPLOYMENT

Wash. High Court Rebuffs Florist's Same-Sex Objections

A Washington florist who refused to serve a same-sex wedding, citing religious objections, violated state anti-discrimination laws and is not protected by the First Amendment, the Washington Supreme Court unanimously ruled Thursday.

III. Must Keep Paying Workers In Budget Impasse, Judge Says

State workers in Illinois will continue to get paid through the state's historic budget impasse now that a St. Clair County judge on Thursday denied Attorney General Lisa Madigan's request to halt the paychecks of 63,000 employees until lawmakers and the governor approve a budget.

2 Dems Offer Trump Road Map To Revamp NAFTA

Two House Democrats extended an olive branch to President Donald Trump on Thursday by offering to help him renegotiate the North American Free Trade Agreement, laying out a road map that would increase the deal's labor and environmental rules and do away with its controversial arbitration panels.

Trump Picks Former US Attorney Acosta To Lead DOL

President Donald Trump on Thursday tapped law school dean R. Alexander Acosta — a former U.S. attorney for the Southern District of Florida, one-time National Labor Relations Board member and the first Hispanic to ascend to the top of the U.S. Department of Justice's Civil Rights Division — to serve as secretary of labor.

III. Village Asks 7th Circ. To OK 'Right-to-Work' Rule

The Illinois community whose right-to-work ordinance was struck down by a federal judge last month appealed to the Seventh Circuit this week, arguing that the January decision runs afoul of a Sixth Circuit decision that allowed the

union-weakening statute for counties in Kentucky.

COMPETITION

Gas Station Chain Sues NJ Over Fuel Price Law

Gas station chain Speedway LLC has filed a lawsuit alleging New Jersey's law prohibiting below-cost vehicle fuel sales is unconstitutional because it violates the common-law right to sell goods at any price upon which the retailer and purchaser agree

PRIVACY & CONSUMER PROTECTION

Calif. Judge Calls Law On Actors' Ages A Free Speech Threat

A California federal judge sided with IMDb.com in a hearing Thursday over a state law forcing the website to remove actors' ages on request, saying the law appeared to violate constitutional free speech protections so clearly that he didn't even need to hear IMDb's arguments for a stay.

CFPB Wins Full DC Circ. Review Of Leadership Ruling

The D.C. Circuit on Thursday granted a request from the Consumer Financial Protection Bureau for a full-panel rehearing of an October decision that ruled the federal consumer finance watchdog's structure unconstitutional.

PRODUCT LIABILITY

Missouri AG Lays Egg Law Appeal In Supreme Court

Missouri Attorney General Josh Hawley said Thursday he has appealed to the U.S. Supreme Court to pluck off a California law that prohibits the sale of eggs from chickens living in conditions that don't meet the Golden State's strict regulations.

GOVERNMENT CONTRACTS

F-35 Program Chief Says Costs Set To Drop Further

Costs of the F-35 fighter jet could soon drop by more than 15 percent, program chief Lt. Gen. Christopher Bogdan told lawmakers Thursday while also confirming that the CEO of Boeing Co. maker of a rival jet, had sat in on a call between President Donald Trump and Bogdan to discuss the program.

INTERNATIONAL TRADE

Chinese Cos. Say Commerce Used Wrong Cost Surrogate

A pair of Chinese chemical companies hit the U.S. Department of Commerce with a U.S. Court of International Trade lawsuit Wednesday, accusing the agency of imposing anti-dumping margins where there'd been none before and using the wrong country as a surrogate for costs.

Dems Leverage Trade Policy In Battle Over Trump's Finances

Democratic lawmakers introduced new legislation Thursday requiring the president to disclose any and all foreign commercial ties before pursuing trade initiatives, tethering the fight over President Donald Trump's finances to one of his signature policy issues.

TAX

'Cultural Services' Tax Exemption Up To EU Members: Court

A European Court of Justice panel dealt a blow to state-recognized "cultural bodies" Wednesday in holding that the British Film Institute isn't automatically entitled to an exemption from the United Kingdom's value added tax on its film screening tickets.

MEDICAL MALPRACTICE

Fla. Supreme Court Declines To Adopt Daubert Standard

The Florida Supreme Court declined Thursday to adopt a measure to bring state court standards for the admissibility of expert witnesses in line with federal courts, over concerns that doing so would undermine the right to a jury trial and inhibit access to the courts.

IMMIGRATION

Senate Bill Will Target Trump's Sanctuary City Order

A group of senators is taking aim at President Donald Trump's executive action targeting internal immigration enforcement that would pull funds from so-called sanctuary cities, Sen. Catherine Cortez Masto, D-Nev., announced on Thursday.

Trump Slams 9th Circ. As Court In 'Chaos,' 'Turmoil'

President Donald Trump slammed the Ninth Circuit on Thursday as a court in "chaos" and "turmoil," claiming at a news conference that the court has been overturned by the Supreme Court "at a record number," a record that's actually held by the Sixth Circuit, according to a recent *Politifact* study.

Reps. Oppose Extra Layer Of Screening At Canada Border

Six Northern Border Caucus members have cautioned U.S. Department of Homeland Security Secretary John Kelly against a proposal in President Donald Trump's immigration ban that calls for additional screening for U.S.-bound travelers, saying any new security measures along the Canadian border should be coordinated between the two countries.

NATIVE AMERICAN

Sioux Official, Dakota Access Exec Trade Blows Over Pipeline

A Standing Rock Sioux Tribe official and an executive for the Energy Transfer Partners unit behind the Dakota Access pipeline gave dueling accounts of the history of the project to a House subcommittee on Wednesday, as the tribe battles a recent federal decision that paves the way for its completion.

Idaho Tribes Slam Bill To Shut Down Gambling Machines

The Shoshone-Bannock Tribes on Wednesday slammed a bill proposed in the Idaho House of Representatives that would ban tribal video gaming machines in the state, saying the bill would illegally change their deal with Idaho to conduct gambling and likely violate the state constitution.

TELECOMMUNICATIONS

Telco Stripped Of Lifeline Eligibility Asks FCC For More Time

One of the companies stripped by the new Federal Communications Commission of its federal designation to provide Lifeline broadband service for low-income consumers has pushed the FCC to delay the move or risk that thousands of enrolled consumers may not be able to find another provider in time, according a filing made public Thursday.

Comcast Lobbies FCC To Revive UHF Ownership Limit Break

Cable giant Comcast has pressed the Federal Communications Commission to reverse course from an Obama-era move dropping a break for UHF station owners, asking the new FCC to return to a less stringent media ownership restriction, according to a filing Thursday.

EXPERT ANALYSIS

In Retrospect

Relearning The Lessons Of Korematsu's Case

Fred Korematsu's U.S. Supreme Court case challenging President Franklin Roosevelt's executive order that led to the incarceration of approximately 120,000 people of Japanese ancestry may sound like ancient history. However, Feb. 19 marks the 75th anniversary of the order's signing, and that it's celebrating its diamond anniversary now is breathtaking timing, says Randy Maniloff of White and Williams LLP.

CPSC Civil Penalties: A Statistical Analysis

In 2015, U.S. Consumer Product Safety Commission Chairman Elliot Kaye announced that he had directed CPSC staff to seek "double-digit" penalties from companies found to be in violation of the Consumer Product Safety Act. Kaye appears to have accomplished his stated goal — a statistical analysis of agency fines shows that companies are being punished more severely than before, says Jonathan Judge of Schiff Hardin LLP.

How A General Counsel Should Think About AI: Part 2

General counsels face the challenging task of understanding how companies can navigate the rules surrounding uses of artificial intelligence. To get smart on AI, general counsels must ask the right questions about areas such as human resources, intellectual property, liability and insurance, say Bruce Heiman and Elana Reman of K&L Gates LLP.

LEGAL INDUSTRY

Gorsuch Nomination Hearings To Kick Off In March

Opening statements in a hearing on Judge Neil Gorsuch's nomination to the U.S. Supreme Court will begin on March 20, with questioning of the associate justice-designate commencing

the following day, Senate Judiciary Committee Chairman Chuck Grassley said Thursday.

Analysis

ABA Attorney Ad Rule Revamp Picks Up Steam

With lines drawn in an emerging debate at the American Bar Association over attorney ad and client solicitation rules, advocates and opponents of a proposed plan to dramatically streamline the model regulations agree that it's now less a question of if changes are coming than what form they will take.

Law360's Weekly Verdict: Legal Lions & Lambs

Jones Day snagged this week's top legal lion spot after the law firm one-upped long-time winner Skadden Arps Slate Meagher & Flom LLP on a list of the most recognized U.S. law firm brands while O'Melveny & Myers LLP's week wasn't as sweet after client Google was hit with a \$20 million verdict in a suit over malware protection patents.

Dewey Ex-Finance Head Says Accounting Fix Was Wrong

The former international finance director at Dewey & LeBoeuf LLP testified in Manhattan criminal court on Thursday that one of two ex-Dewey executives facing a fraud retrial asked her to make accounting entries she thought were improper.

NY Needs Fresh Look At Judiciary System, State Bar Says

The New York State Bar Association believes that heavy caseloads and an excessive number of trial courts create a complex and inefficient judicial system in the state, saying in a report Thursday that these issues should be addressed if voters decide this November to hold a constitutional convention in 2019.

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Wednesday, February 22, 2017



TOP NEWS

New EPA Chief Pledges To Change Regulatory, Legal Practices

U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday emphasized his desire to work collaboratively with career EPA staff and his intention to depart from regulatory and litigation tactics he said sideline industry and state interests.

Incoming Deputy AG Brings High-Profile Criminal Experience

Incoming Deputy Attorney General Rod Rosenstein has spent 90 percent of his career on federal criminal matters including high-profile government misconduct cases, according to materials he provided a Senate panel on Friday.

ABA's Gorsuch Rating Due Out Before Confirmation Hearings

The American Bar Association will release its laborious evaluation of U.S. Supreme Court nominee Neil Gorsuch before his confirmation

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Clifford Chance

Cooper & Kirk

Dentons

Dinsmore & Shohl

Gibson Dunn

Goldstein & Russell

Goodwin

Haglund Kelley LLP

Herbert Smith Freehills

Hogen Adams

Husch Blackwell

Keller and Heckman

Kennyhertz Perry

Latham & Watkins

Mauck & Baker

Mayer Brown

hearings kick off on March 20, handing senators a powerful factor for evaluating whether to promote the Tenth Circuit judge to the nation's top bench.

DHS Releases Guidance On Immigration Executive Orders

The U.S. Department of Homeland Security issued memos Tuesday implementing two executive orders from President Donald Trump related to immigration, with the agency laying out the administration's expanded enforcement targets, calling for more officers and suggesting new policy is coming on expedited removals.

Dems Want Trump To Endorse Currency Manipulation Bill

A trio of House Democrats have asked President Donald Trump to go beyond executive action and create tariffs against foreign currency manipulators.

Analysis

Top 4 Groups Lobbying The FCC

As Federal Communications Commission Chairman Ajit Pai approaches one month into his chairmanship, industry stakeholders have begun lobbying the new FCC, advocating on issues such as how to distribute universal service funds and make way for 5G infrastructure. Here, Law360 looks at the top four groups that have filed ex partes in the last month.

III. High Court OKs Exception To Untimely Agency Reviews

The Illinois Supreme Court on Friday ruled that a decision from an administrative agency can be appealed, even if the appeal is late, in instances where the agency violated due process.

New Bill Targets Warrantless GPS Tracking, Stingrays

A bipartisan bill introduced in both houses of Congress on Wednesday would bar the tracking

Morgan Lewis

Munsch Hardt

Norton Rose Fulbright

Perkins Coie

Ropes & Gray

Shulman Rogers

Sidley Austin

Simmons & Simmons

Squire Patton Boggs

Stradley Ronon

Tucker Law Group

Weil Gotshal

Weiner Brodsky

COMPANIES

AT&T Inc.

American Academy of Pediatrics

American Bar Association

American Civil Liberties Union

American Federation of State, County and Municipal Employees

American Psychological Association

Apple Inc.

Caterpillar Inc.

Center for American Progress

Center for Biological Diversity Inc.

Delta Air Lines Inc.

Dow Chemical Co.

Facebook

Florida Immigrant Coalition

GLC Business Services Inc.

General Electric Company

Google Inc.

Koch Industries Inc.

Microsoft Corporation

Murray Energy Corp.

National Immigration Law Center

New York Times Co.

of a person using GPS technology without permission or a warrant — particularly law enforcement use of stingray technology that tricks phones into transmitting location information to a third party.

BANKING & SECURITIES

Kan. Stock Promoter Says 10th Circ. Order Blocks SEC Case

A stock promoter filed a lawsuit in Kansas federal court on Tuesday seeking to halt a U.S. Securities and Exchange Commission administrative proceeding against him, saying the judge overseeing his case has already been deemed to violate the U.S. Constitution by the Tenth Circuit.

ENERGY & ENVIRONMENTAL

Virginia's Uranium Mining Ban Upheld By Fourth Circuit

The Fourth Circuit on Friday upheld a lower court's dismissal of a uranium company's lawsuit seeking to overturn a Virginia law banning uranium mining, deciding that there is nothing in the federal Atomic Energy Act that preempts the state from establishing such a moratorium.

GOP Reps Ask EPA To Extend Mining Rule Comment Period

A trio of Republican committee chairmen in the House asked the U.S. Environmental Protection Agency on Friday to extend the comment period on a proposed rule that would require participants in the hardrock mining industry to show they can cover the costs of environmental hazards stemming from their operations.

Timber Co. Fights Obama Expansion Of Oregon Monument

A timber company on Friday challenged former President Barack Obama's proclamation that expanded the Cascade-Siskiyou National Monument, arguing in Oregon federal court that

North American Electric Reliability Corp.

PHH Corporation

Planned Parenthood Federation

Raytheon Company

Tax Foundation

Texas Medical Association

Texas Rangers

The Boeing Company

Twitter Inc.

United States Telecom Association

Zeughauser Group LLC

GOVERNMENT AGENCIES

Bureau of Land Management

Central Intelligence Agency

Consumer Financial Protection Bureau

Department of Commerce

European Commission

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

Federal Housing Finance Agency

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

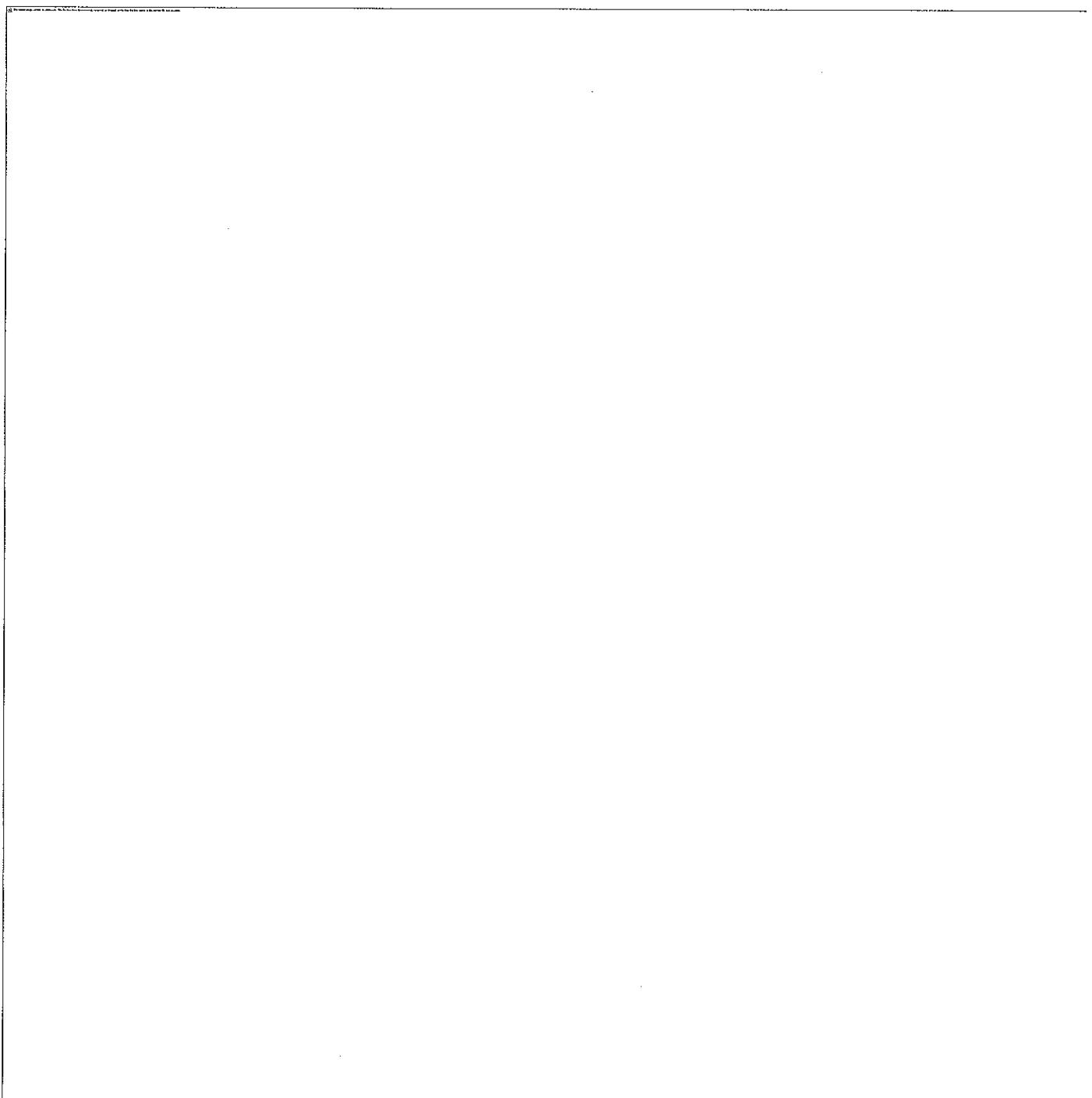
Illinois Supreme Court

Immigration and Customs Enforcement

Lac du Flambeau Band of Lake Superior Chippewa Indians

National Aeronautics and Space Administration

National Labor Relations Board



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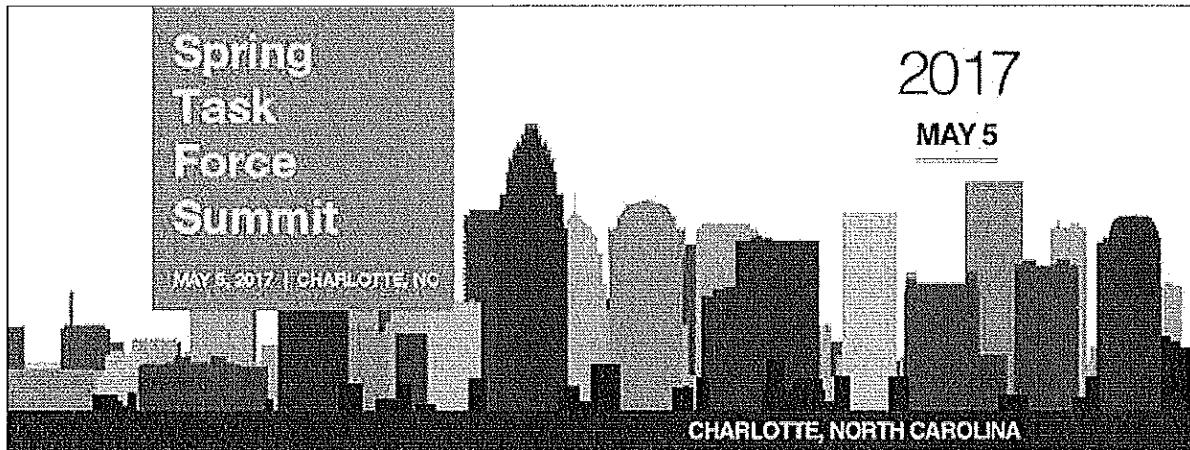
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Subject: ALEC - Final HOURS for Early Bird Rates!



Early Bird Rates End **TODAY** for ALEC Spring Task Force Summit!

>> REGISTER NOW

**No time to register on-line?
Let us help!**

Register for the Summit in 3 easy steps:

1. Have your credit card on hand
2. Call 571-482-5155 (No answer? We're probably helping someone on the other line. Leave a message and we will call you back.)

**Need to make your hotel
reservation?**

You still have time to take advantage of our discounted rate of \$189 at the Westin Charlotte. Housing deadline is **April 11.**

Make your reservation today!

3. Answer a few questions

**Don't wait to call - Early Bird
Rates end TODAY!**

THE WESTIN
CHARLOTTE

**Remember to register for the 44th ALEC Annual Meeting.
Registration is now open!**

Questions? Contact our Event Staff

www.alec.org/annual-meeting



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In the White House, and across states, education in the spotlight... this week in CER Newswire.

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A weekly report on education news and commentary you won't find anywhere else — spiced with a dash of irreverence — from the nation's leading voice in school reform.

CER NEWSWIRE: APRIL 11, 2017

Education is hot today in Washington. 17 CEOs are at the White House, scheduled to talk about issues ranging from education & infrastructure (note: we think they go together). The Atlantic's 3rd annual ideas summit is up and running and we're happy to see the presence of Derrell Bradford to balance that of Randi Weingarten. Education choice is, like the pollen count, spreading into the ether, and more...

A TALKING POINT FOR THE WHITE HOUSE & THE CEOS. Imagine combining needed improvements in rural infrastructure in those red states that so handily won the race for Trump with expanded and improved educational options, and private sector development of teacher villages to attract talent. That should be what is on the national agenda today. "Until educational, social

and economic policies are implemented with rural communities in mind, rural citizens should continue to work to break down barriers for more socially just rural schools and communities in the same way that urban citizens have.” That’s the argument from a Penn State Professor for one piece of the puzzle improving rural communities - [“The Unique case for rural charter schools,”](#). Together with providing much needed flexibility for school districts to innovate and incentives for public private partnerships, a commitment to rural America could make today’s meeting truly pathbreaking.

MEANWHILE OVER AT THE NEWSEUM... The Atlantic is hosting [its education summit](#), conducting interviews of newsmakers in education as a look into what’s next for edreform. AFT head Randi Weingarten was on the same stage (sadly, not together) with long time ed reformer Derrell Bradford. [Watch here.](#)

OH, WHAT? Asked for comment following a discussion on charters, Weingarten lamented, “Oh god...,” and went on to claim the schools were the AFT’s idea. [Not so! The real origin?](#)

#BLACKDEGREESMATTER. If you want to know what parents and students really think about school choice, check out [this piece](#) from the Philadelphia Citizen.

CHOICE SPREADS. It’s been imbedded deeper and deeper in the environment, and in a society that is all about advancement, after 26 years you’d expect to reach a tipping point. By now it should be clear: education must evolve at the pace of its nation.

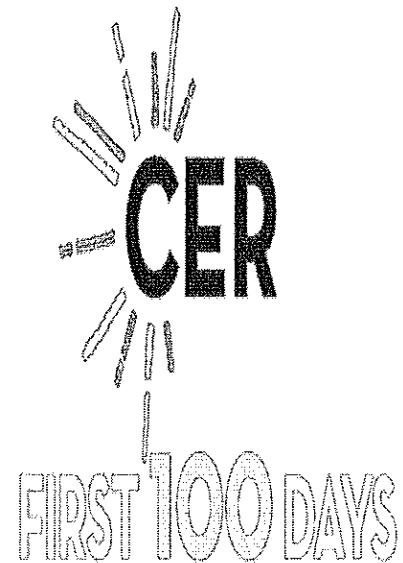
[The latest spread](#) is in pioneering Arizona, where a universally available new choice program will allow 5,500 additional students this year and 30,000 by

2022 to sign up for Empowerment Scholarship Accounts, giving them access to programs that biggest meet their children's needs.

MORE FROM CER

JUST THE
FACTS

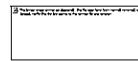
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AND OPPORTUNITY
IN CHARTER SCHOOLS



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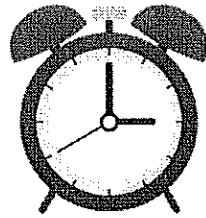
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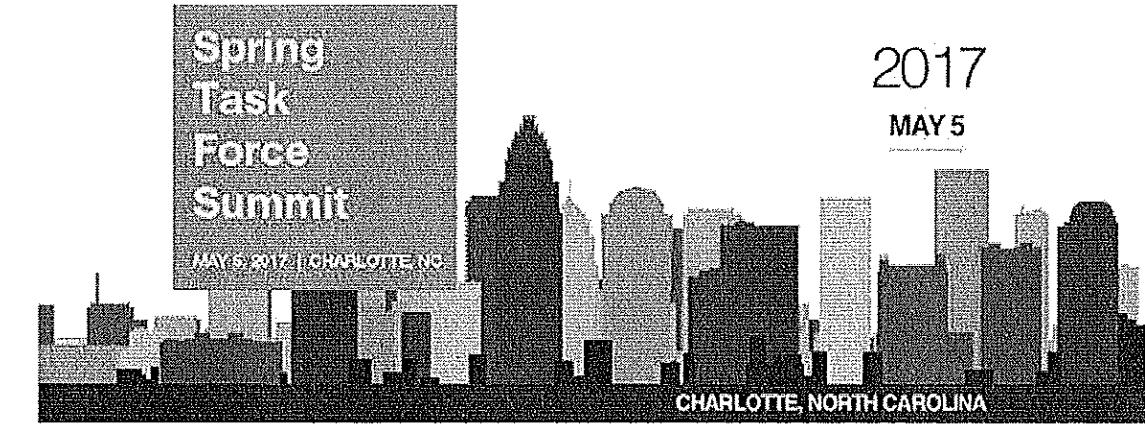
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Today's the Day!
ALEC room block ends Today!

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Book your room now for \$189!

The good news is the ALEC Spring Task Force Summit is only 3 weeks away! The bad news is today is the last day to take advantage of the ALEC room block rate in Charlotte, NC!

Book Now!

If you have already reserved your room, THANK YOU!

Still need to register for the ALEC Spring Task Force Summit?

You have time.

>> REGISTER NOW



Registration is NOW OPEN for the ALEC Annual Meeting in Denver, CO!

>> REGISTER NOW



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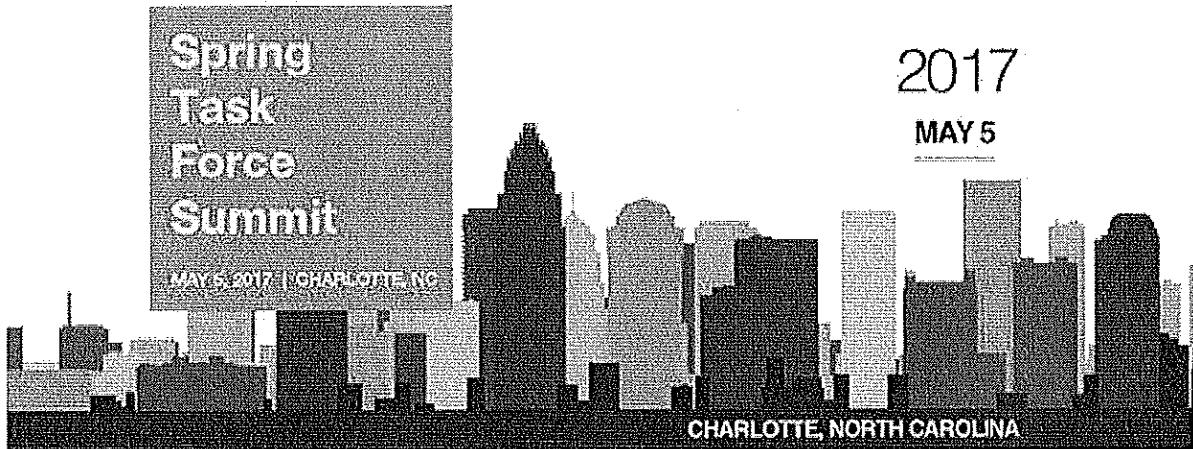
ALEC is excited to announce that our room block has been EXTENDED! You now have until Monday to make your hotel reservation and receive the discounted rate of \$189.

Get your reservation while you still can!

BOOK NOW!



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Model Policies -

As the Spring Task Force Summit nears, please make sure to take a look at the task force materials below! Included on each task force web-page are agendas for the task force meetings and task force subcommittees, as well as a list of the model policies for consideration.

Review the draft policies, speakers and other agenda items for each task force meeting below:

- [Civil Justice](#)
- [Commerce, Insurance and Economic Development](#)
- [Communications and Technology](#)
- [Criminal Justice Reform](#)
- [Education and Workforce Development](#)
- [Energy, Environment & Ag.](#)
- [Health and Human Services](#)
- [Tax and Fiscal Policy](#)

[Click Here for the Complete List of Model Policies](#)

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Have you registered for the
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Don't miss this great opportunity to be a part of the conversation and help make state-based solutions!

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Please contact Spencer Chretien for more information.

Questions? Contact our Events Team.

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Register **NOW** to secure your room before
the room block extension ends!

ALEC Spring Task Force Summit!



When: May 5, 2017

Where: The Westin Charlotte - \$189 a night

Why: To advance and promote the principles of limited government, free markets and federalism

Questions: Contact our Events Team

>> REGISTER NOW

Reserve your room now!

THE WESTIN
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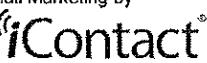
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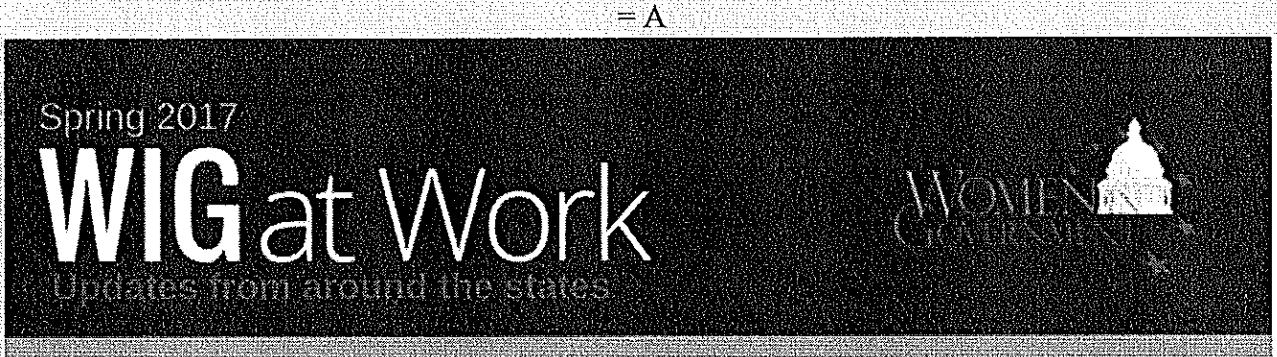
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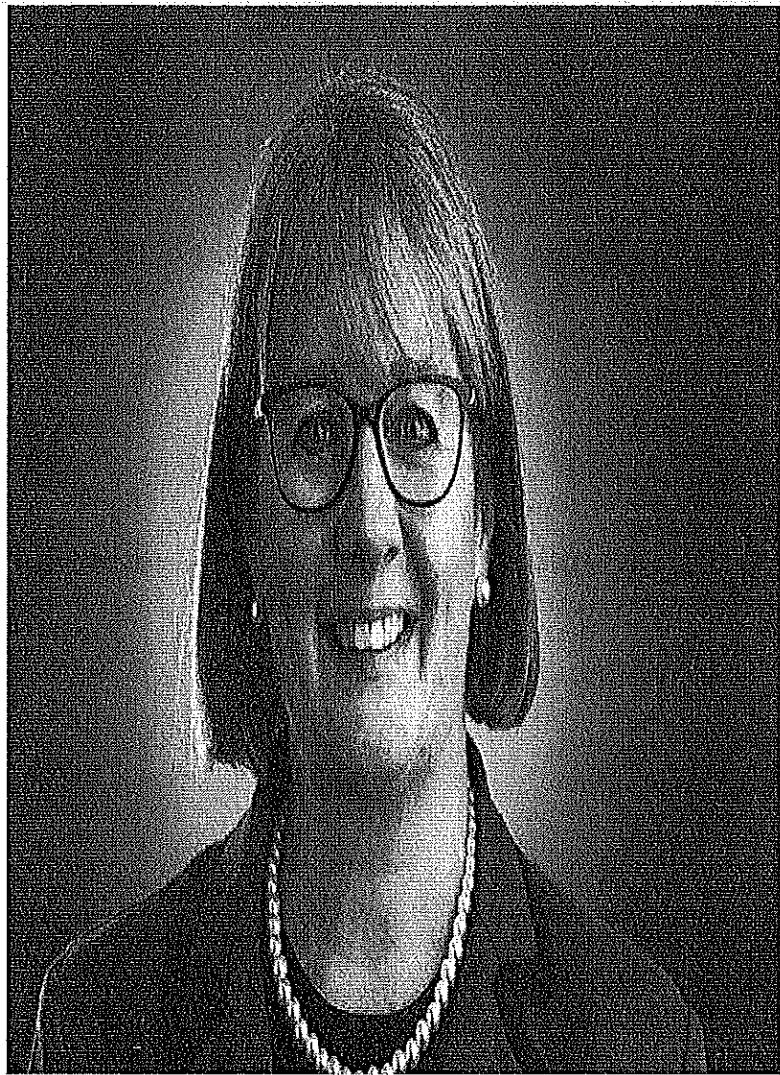
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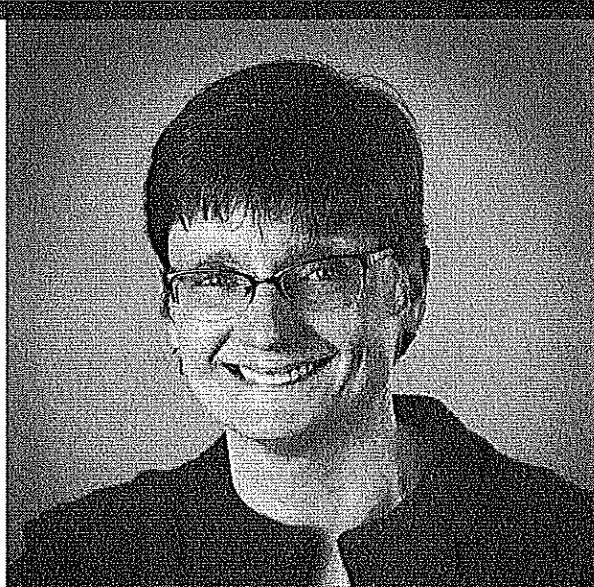


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Stay-at-Work/Return-to-Work

U.S. Labor Department's Office of Disability Employment Policy Collaborative

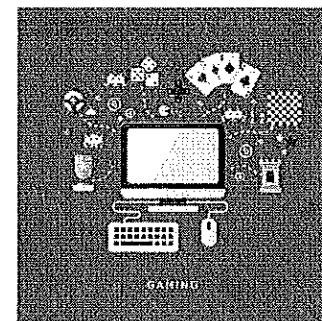


Now through April 21, you are invited to join the [Transition Back to Work Online Dialogue](#) hosted in support of the U.S. Labor Department's Office of Disability Employment Policy's Stay-at-Work/Return-To-Work (SAW/RTW) Policy Collaborative and its efforts to develop strategies and practices to promote the return-to-work process for workers.

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Do You Enjoy a Game of Fantasy Sports? States Struggling to Determine Control



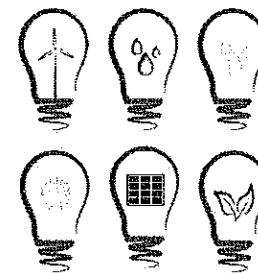
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[Read More](#)

Renewable Energy

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[Read More](#)

Economic Stability and Opportunities Advisory Council

Taking steps toward best practices to empower vulnerable families



With support from the Annie E. Casey Foundation, this important member-informed work began in August 2016 in conjunction with the National Conference of State Legislatures' Summit in Chicago. After substantial discussion, the council members determined that a 'basic needs' approach must focus on hunger, childcare, healthcare, education, transportation, safety, housing, and jobs and employment.

[Read More](#)

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State Actions Around Juvenile Justice Reform



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Thursday, June 22 - Saturday, June 24
ARIA Las Vegas Resort & Casino
Las Vegas, Nevada

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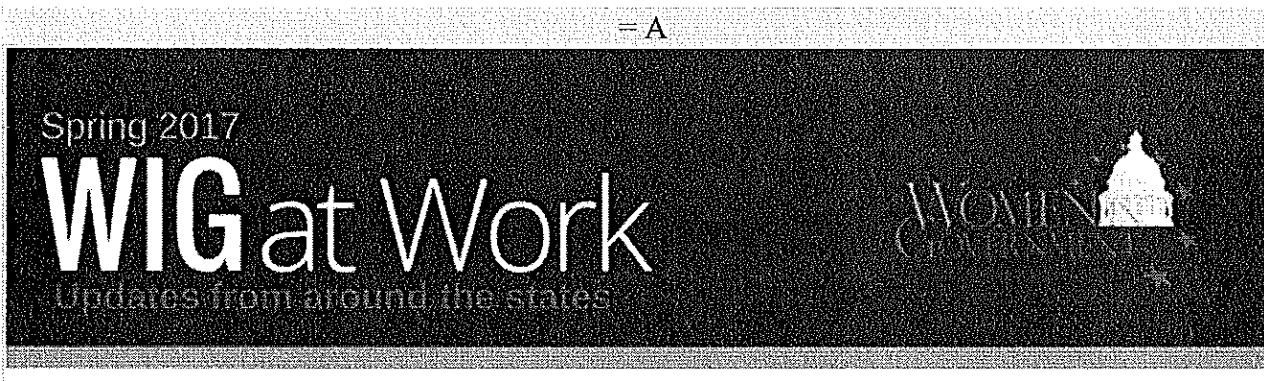
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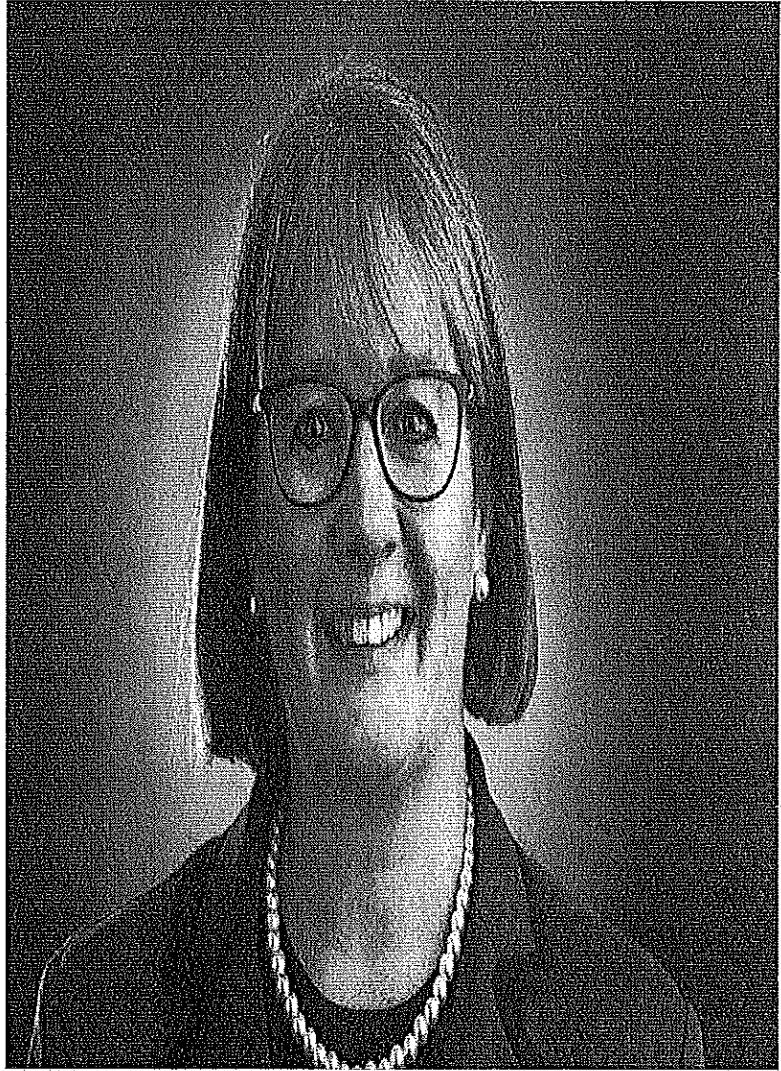
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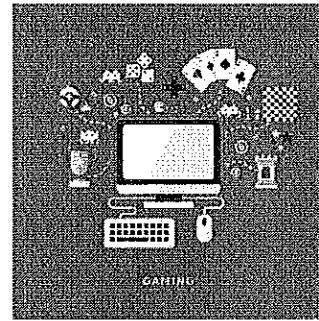
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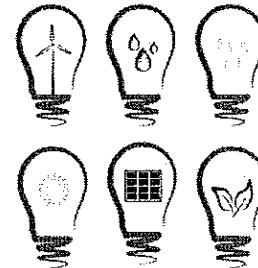


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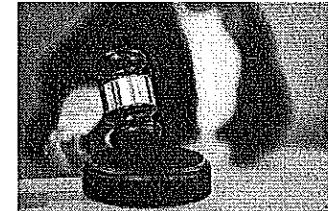


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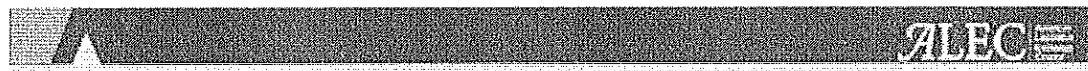
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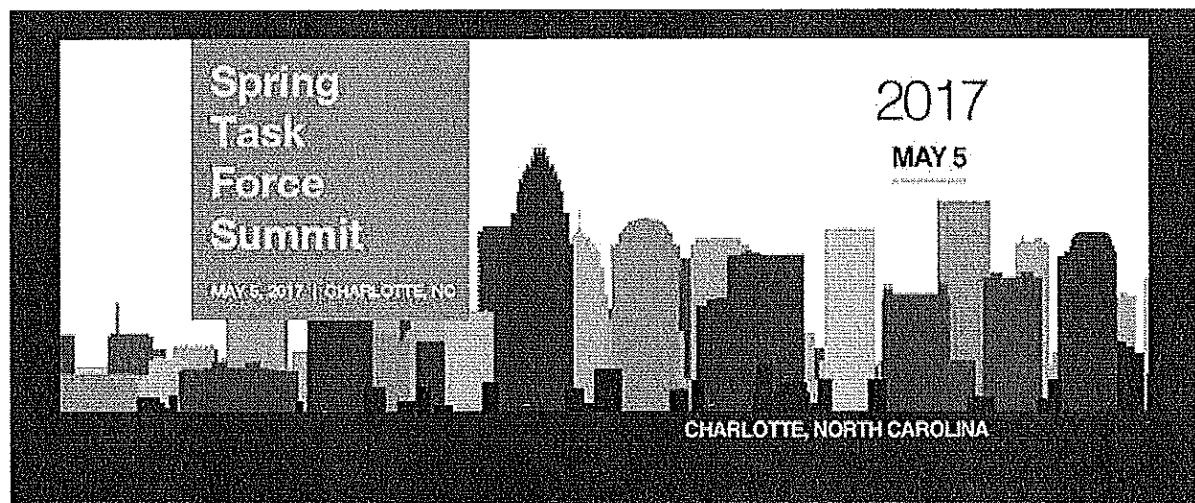
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Did you hear...

ALEC has a **RECORD NUMBER** of legislators attending the 2017 Spring Task Force Summit. Attend

Top 7 Policies Being Discussed ...

- Vehicle Platooning for Safety and Efficiency Act
- Resolution Regarding Property-Assessed Clean Energy Programs



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- The Breach of Personal Information Notification Act
- Self-Sufficiency in Medicaid Act
- Resolution in Support of Nonprofit Donor Privacy
- Forming Open and Robust University Minds (Forum) Act
- Principles on On-line Privacy

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Center for Innovation and Technology Reception

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May 4

Getting to Charlotte early on Thursday, May 4? Check-in at the registration desk and join the reception for our Center for Innovation and Technology from 4:30 PM to 6:00 PM.

[MORE ON THE AGENDA ➔](#)

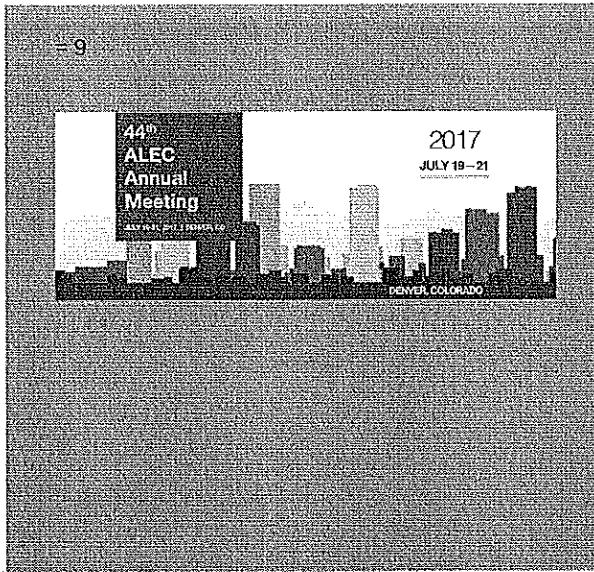
Workshop: "Delivering the Tech Future: How Wired Networks Power an Unwired World"

May 5

Whether you're sending a critical email to a colleague, hailing an Uber, reading the latest tweet from President Trump or listening to your favorite song on Spotify, you're probably using an unwired digital device or computer. You might even be right now! But what actually makes those connections work? And what are the emerging issues that are confronting state and local policy makers?

We'll explore the implications these issues have on state and local policies and your state's overarching technology infrastructure goals.

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Costume

ALEC Annual Meeting is OPEN for registration

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Join us in Denver, CO for this policy-packed meeting!

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Questions? Contact our Events Team

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Tax Day, Income Taxes, and Constitutional Amendments

On April 18, Americans suffered through another Tax Day, a time when many taxpayers angrily point to the federal government's passage of the 16th Amendment as the root cause of their dismay. While the federal government deserves plenty of blame come tax season, taxpayers shouldn't forget state legislatures played a significant role in the ratification of the income tax amendment.

In 1890, the Tariff Act, otherwise known as the McKinley Tariff, was passed, imposing steep tariffs that eventually resulted in the enactment of the Wilson-Gorman Tariff Act in 1894. Wilson-Gorman reduced tariff rates and introduced a 2 percent income tax. In 1895, the Supreme Court declared the Wilson-Gorman Tariff Act income tax unconstitutional in *Pollock v. Farmers Loan & Trust Co.*

In 1909, Congress passed a resolution approving an amendment to the U.S. Constitution for the establishment of a federal income tax. Prior to becoming law, amendments must be ratified by three-fourths of the states. It would take four years for the necessary threshold to be met, when in February 1913, Delaware became the 36th state to approve the resolution, thereby enabling ratification. A total of six states did not participate in ratification.

The history of the income tax and its ratification is of great significance, because many states are currently proposing legislation aiming to amend the U.S. Constitution for the inclusion of a federal balanced budget amendment.

Though all the amendments passed in the nation's history thus far have been initiated by Congress, the Constitution allows for states to approve amendments under Article V of the

Constitution, provided that two-thirds, or 34 states, pass applications to call a convention to propose amendments to the Constitution.

Currently, an Article V movement calling for a balanced budget amendment to the U.S. Constitution is gaining traction. At the end of 2016, a total of 28 states had passed resolutions to apply for an Article V convention for the purpose of proposing a balanced budget amendment.

In 2017, Arizona, Idaho, Kentucky, Montana, South Carolina, Wisconsin, and Wyoming have introduced resolutions applying for an Article V convention for the purpose of a balanced budget amendment. Arizona and Wyoming successfully passed their resolutions. Maryland rescinded all its previously approved Article V applications.

In addition to the states have passed or are considering approving an application for balanced budget amendment, Arizona passed a resolution that provides for a planning convention to take place on September 12, 2017.

The call for a balanced budget amendment stems from the increasing level of federal debt and the great deal of power seized from the states by the federal government in recent years. In a recent *Research & Commentary*, Government Relations Coordinator Lindsey Stroud reported, “As of February 3, the United States held over \$19 trillion in total public debt, a figure that is expected to grow over the next decade.” Stroud also found the “federal government has failed to address the mounting debt crisis, and the 115th Congress approved in January a nearly \$10 trillion increase of publicly held debt.”

It is important for state lawmakers to understand the significant role states played in the establishment of the federal income tax and the responsibility they have to support policies that will hold the federal government accountable. State legislators should use the opportunity presented by the Article V movement as a vehicle to reestablish states’ rights and to ensure the federal government acts in a more fiscally responsible manner in the future.

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WHAT WE'RE WORKING ON

Budget & Tax

Research & Commentary: Nebraska Tax Reform

= Aln this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines a proposal to reform Nebraska’s individual and corporate tax rates. Glans says, “At first glance, Nebraska’s tax system appears competitive. According to the Tax Foundation, state residents pay \$3,853 per capita in state and local taxes, ranking the state 17th highest in the nation and comparable to neighboring Colorado and Kansas.” Read more

Education

